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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful Father, for Your marvelous grace that enables us to live victoriously, we thank You. Thank You for strength during life's sunshine and shadows.

Lord, help us to express our gratitude by doing Your work in our world. Guide our lawmakers with Your higher wisdom, giving them the gift of reverential awe. Inspire them to surrender to Your will, replacing their fear with faith, their confusion with clarity, and their error with truth. Let love prevail over hate, justice triumph over greed, and harmony defeat discord.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Maine.

Mr. KING. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Robert Luis Santos, of Texas, to be Director of the Census for the remainder of the term expiring December 31, 2021. (Reappointment)

The PRESIDING OFFICER. The Senator from Vermont.

JOHN R. LEWIS VOTING RIGHTS ADVANCEMENT ACT

Mr. LEAHY. Mr. President, the Senate today has the opportunity to live up to its best traditions. We can put our democracy over any political party.

Later today, we will take the first step that could put us on the path to having an open debate about the John Lewis Voting Rights Advancement Act. I have championed and sponsored this bill to restore the landmark Voting Rights Act of 1965. I have done this for years.

Today, Senators of both parties have the chance to show they are willing to do the job we were elected to do—to debate and vote on legislation. And no legislation could be more foundational to our democracy than that which protects the right to vote.

We 100 Senators all have the right to vote. Let us exercise that right and not avoid voting on the John Lewis Voting Rights Act. This is such a fundamental part of our democracy. Let's set the example here, where all 100 Senators know we have the right to vote. Let's make sure we vote and not avoid voting. I hope that we as a Senate will honor the rich bipartisan history around the Voting Rights Act in the name of our hero John Lewis, in the name of our democracy, and in the name of a foundational value that is the bedrock of our country.

Just yesterday, we announced a bipartisan compromise in the hopes of building support for the John Lewis Voting Rights Advancement Act. I am grateful to Senators MURKOWSKI and DURBIN and MANCHIN for their dedication to reaching this compromise. That bill, which we would seek to advance after proceeding to S. 4, will fully restore the Voting Rights Act, which is needed after two devastating decisions by the Supreme Court.

I have been clear that should the Senate eventually proceed to this bill, then I would welcome amendments to further strengthen and solidify this restoration of the Voting Rights Act, which, after all, has been bipartisan since the first enactment, usually passing the Senate unanimously, being signed into law by Presidents Reagan and Bush and others. But we should at least have that debate. Certainly, Senators should not avoid debating, and certainly Senators should not hide behind some procedural role so they don't have to vote one way or the other on the basic rights of Americans to vote.

So that is why we are here—to debate, vote on bills. There is simply no reason for any Senator to look at their constituents and say that this topic, that of protecting the right to vote, is just too political or too controversial—not the Voting Rights Act; not a voting rights bill that has a 56-year history of bipartisanship. No Senator should act as though they are afraid to vote one way or the other on this. Is that the message we want to convey to American voters eager to know what the Senate is doing to protect and strengthen our democracy? Ours is the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

longest surviving democracy in history. The American people are watching and the world is watching what we do. Americans expect us to vote yes or no, not hide behind procedure.

Restoring and updating the Voting Rights Act on a bipartisan basis is how we have always done it. The core provisions of the Voting Rights Act have been reauthorized five times. Every time, there has been overwhelming bipartisan support, Republicans and Democrats alike.

Presidents Nixon, Reagan, and George W. Bush all signed Voting Rights Act reauthorizations into law. They touted the profound importance of this landmark law for our democracy. In fact, I remember—I was here—the most recent Voting Rights Act reauthorization in 2006 and the vote: 98 to 0. We still have Senators serving today, both Republicans and Democrats, who voted to support that legislation. The compromise bill I crafted with Senator MURKOWSKI follows the very same blueprint of these other bipartisan efforts to restore the Voting Rights Act.

I am aware of the toxic partisanship of American politics today, but I hope that is not going to obscure what has for decades united us as Americans and across party lines, and that is the belief that every one of us should have that protecting our right to vote—the very right that gives our democracy its name—is bigger than party or politics. It is the belief that a system of self-government—a government of, by, and for the people—is one that is worth preserving for generations to come. It is the belief that government exists to serve the will of the people, not the other way around.

So I hope that today we are going to rise above partisanship. Let's do what is right for our democracy. Let's not be afraid to vote. I hope we show Americans the Senate is still capable of being the conscience of the Nation and a unifying force during a divided time. I still believe we can be the Senate that acts together to maintain Americans'—our constituents'—constitutional right to vote.

When Senators come to the floor to cast their votes today, I hope they keep in mind the rich bipartisan history of the Voting Rights Act. I hope they decide to live up to that history. I hope they are also mindful of how history will remember us. Decades from now, when history tells the story of today's current threats to democracy, let it also tell the story of Senators who rose above the fray to protect the right that gives democracy its very name. Let all Senators vote so that all Americans can vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

BUILD BACK BETTER AGENDA

Mr. SCHUMER. Mr. President, yesterday, Democrats continued making great progress toward finalizing President Biden's Build Back Better plan.

The challenges American families and workers are facing today are enormous, and President Biden's agenda is the remedy to much of their hardships. It is just what the American people want and what they need, and it is exactly why we need to focus on getting the job done to finalize and pass this legislation and deliver help for the American people.

Last night, I held another round of talks going past midnight with a number of my colleagues as we approach final agreement—talks with the White House, the Speaker, my Senate colleagues and chairs, and Members of the House. We continue to make very good progress each day. Passing such transformative legislation is not easy, but the long hours we are putting into it will be well worth it for the American people.

Over the last 24 hours, the hard work has yielded important new development. Yesterday, I announced the Democrats had reached an agreement to include provisions in Build Back Better that will lower prescription drug prices for seniors and for American families. This is a big deal.

For years, skyrocketing costs of prescription drugs have plagued millions of seniors and American families to the point that Americans spend far more on prescription drugs per capita than other wealthy nations. It is one of the largest out-of-pocket medical expenses that families have and it has gotten worse over the last few years.

For too many Americans, all it takes is a sudden serious illness and you can find yourself spending hundreds, if not thousands, and several thousands of dollars per year just to afford things like insulin or vitally needed cancer treatments. It is profoundly unfair and wholly un-American.

Imagine the strain you can face if someone—you or a loved one—is ill and you can't afford the medicine. You see them, their condition getting worse and worse. I can't think of things that are worse than that, though I guess there may be a few.

Yesterday, we took a large step forward in helping alleviate that problem. For the first time ever, Medicare will be empowered to directly negotiate prices in Part B and Part D. This will directly reduce out-of-pocket drug spending for millions of patients every time they visit a pharmacy or a doctor.

Our agreement does other things as well. It will cap out-of-pocket spending at $2,000 per year, ending the dilemma I just spoke about, where a life-changing diagnosis could mean thousands upon thousands of dollars in new expenses that an individual can't afford.

This agreement will lower insulin prices so that Americans with diabetes don't pay more than $35 per month for their insulin. Let me repeat that because it is amazing how the cost of insulin used to be so reasonable, then skyrocketed over the last few years with very little reasonable, justifiable explanation. This agreement will lower insulin prices so that Americans with diabetes don't pay more than $35 per month for their insulin.

And it will reform the pharmaceutical industry to stop price gouging and make sure our country's drug pricing system benefits patients, not corporations.

It is not everything all of us wanted, but it is a major, major step in the right direction as we work to help the American people afford their better prescription drugs. We are going to keep working to make it even better, but this is a really good start and a major, major announcement.

I want to thank all my colleagues who had a hand in putting this agreement together: Senator WYDEN, Senator KLOBUCHAR, Senator MURPHY, Senator CORTEZ MASTO, Senator BENNET, and Senator KELLY. I also want to sincerely thank Senator SINEMA for working with us to reach this agreement.

We are going to build on this success as we continue making progress on the rest of Build Back Better. We are close. We are determined. We are confident that we will succeed in rewarding the trust that the American people have placed in us.

VOTING RIGHTS

Now on voting rights. Shortly before his death, the great John Lewis offered the American people a parting message: When you see something that is not right, you must say something. You must do something. Democracy is not a state. It is an act, and each generation must do its part to help build what we call the Beloved Community.

The words of the great late John Lewis.

Well, today, the Senate is being called to take action because, across our beloved democracy, something indeed is not right. Something malicious is afoot. A lie—a terrible lie—spread by the former President of the United States is eating away corrosively at the foundation of our democracy, of our democratic heritage, like a disease.

This lie has led to the greatest coordinated effort at the State level to suppress voting rights since the era of segregation. In States like Georgia and Texas, Iowa and Florida and Arizona and many others, partisans have rewritten the rules of our elections in broad daylight, potentially making it harder for tens of millions of young, minority, low-income, disabled, and generally Democratic-leaning voters from participating in elections.

Today, the Senate will have a chance to respond to these attacks by voting to simply begin consideration—simply begin consideration—of the John Lewis

Voting Rights Advancement Act. It is a commonsense proposal to reinstate the preclearance provisions of the Voting Rights Act which were wrongfully struck down by a conservative Supreme Court and which have a long history of bipartisan support in the Senate.

I want to thank my colleague Senator LEAHY, who spoke earlier today, and Chairman DURBIN and all of my other Democratic colleagues who had a hand in drafting this proposal, and a special thanks to our colleague, the Senator from Alaska, who announced yesterday that she will vote in favor of opening debate on the John Lewis Voting Rights Advancement Act. I know it was not a decision she made lightly—she called me from Alaska and let me know—but my Democratic colleagues worked hard with her to compromise on a proposal that she could support while still maintaining the basic thrust of their legislation.

Now, just as Democrats in the Senate worked with Senator MURKOWSKI on legislation to strengthen our democracy, we will work with other Republicans in good faith to improve this legislation, but they must come to the table first. I want to emphasize once again what today's vote is about. We are not asking any Republican to support specific legislation. Today is about whether or not we will vote to begin debate here in this Chamber.

Again, the preclearance provisions that are being updated in today's bill have long been supported by both sides of the aisle repeatedly. The Voting Rights Act, which originally instituted them, has been updated five times in the last half century, under both Republican and Democratic Presidents, and with votes from both sides. This has always been a bipartisan issue in the past; it should be no different today.

I commit to my Republican colleagues that we will have a full-fledged debate process here on the floor, where our colleagues can offer germane amendments and voice what concerns they may have.

Now, I hope more Members on the other side of the aisle will follow Senator MURKOWSKI's example. Senate Republicans shouldn't be afraid of merely starting debate on an issue we have long debated and long supported in the past. Merely crossing arms and squelching any opportunity for progress is unacceptable. If Republicans have different ideas on how to achieve a stronger democracy, they owe it to the American people to come forward and debate their ideas. I hope they do the right thing and vote for cloture to move forward on this discussion later today.

NOMINATION OF DILAWAR SYED

Mr. President, finally, Mr. Syed. For every executive branch nominee who grabs headlines, there are many, many more who escape the spotlight while still playing an essential role in our government. Almost always, these nominees proceed through this Chamber with bipartisan support, but, today, a handful of extreme Republican Senators are needlessly and callously stonewalling many of President Biden's uncontroversial nominees. The case of Dilawar Syed—nominated to be second in charge at the SBA—stands out as being particularly, particularly egregious.

He is an American success story. He came to this country from Pakistan decades ago and became a successful entrepreneur, small business owner, and coalition builder. His nomination is backed by more than 200 civic, government, higher education, and business groups and leaders, including the U.S. Chamber of Commerce—hardly a mouthpiece for the Biden administration. Upon his confirmation, Mr. Syed would be the highest ranking Muslim in government, the highest ranking Muslim for Senate confirmation.

But, for reasons that confound common sense, a handful of Republicans on the Small Business and Entrepreneurship Committee are not just blocking Mr. Syed's vote; they are refusing to meet in order to allow his nomination to proceed. They are just not even meeting, and that holds his nomination up. I haven't heard of that happening in a very long time.

To date, what is so confounding is that these Republicans who are holding Mr. Syed up have failed to offer a clear reason why they oppose him. Each time they try to come up with an explanation, whether it is cheap ad hominem attacks or partisan tie-ins to the culture wars, their arguments fall flat and are easily refuted.

Why are these handful of Republicans opposing this nomination?

Although Republicans have boycotted his markup several times, they will have a chance to give this man his vote tomorrow. Chairman CARDIN has worked with Republicans to try to get them to show up to tomorrow's markup. I commend Chairman CARDIN's effort.

Today, I ask: Will any Republicans have the decency to show up tomorrow to his markup and give Mr. Syed a vote?

If they want to oppose him, they are free to go on record and explain why, but boycotting his markup, resorting to cheap and offensive attacks, and needlessly blocking a qualified public servant is a shameful, shameful course to take.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

REMEMBERING JEAN ROUNDS

Mr. MCCONNELL. Mr. President, yesterday, we learned of the tragic passing of a much loved member of the Senate family.

Jean Rounds was an impressive and active public servant who served the people of South Dakota in many ways, including as their first lady; who served a large and tight-knit family as mother and grandmother; and who, for our colleague, Senator MIKE ROUNDS, was, quite simply, the center of his world.

The life MIKE and Jean built together was a partnership founded on faith, service, and love. By all accounts, Jean's bravery, MIKE's devotion, and the loving care of their family in the face of a terrible illness made their inspiring example shine even brighter.

So the Senate is united in our grief. We will continue to hold our friend MIKE and the entire Rounds family close in our thoughts and prayers in the difficult days that lie ahead.

GOVERNMENT FUNDING

Mr. President, on a totally different matter, last night was a difficult evening for Democrats. The Democratic Party has wildly misread their mandate and let the radical left run the country. Local Democrats let teachers unions keep schools shut months longer than necessary and told parents they didn't get a say in what their kids were learning. Washington Democrats have supercharged inflation, recreated welfare without work requirements, and made America significantly less energy independent.

President Biden was only given a 50–50 Senate and a tiny majority in the House, but he decided to let the radical left run the country. Citizens wanted a return to normalcy but have gotten a never-ending series of government-created crises.

So, look, the American people will not stand for this. That is what voters told Democrats last night all across the country. The results from different parts of our country demonstrate that this was, in large part, a referendum on national issues. But it is not too late. Democrats should listen to the voters, drop this reckless taxing-and-spending spree, and stop trying to ram through a socialist transformation that the American people never asked for.

The radical transformation that Democrats are writing behind closed doors would compound every mistake their party has made. Look at virtually any part of American families' lives, and Democrats' reckless taxing-and-spending spree would seize control of it and yank it way to the left.

The same Democrats who don't want parents involved in schools want to take over daycare and pre-K, crowd out faith-based and family providers, and put this vast new system under the control of the culture warrior HHS Secretary, who sued the Little Sisters of the Poor.

The same Democrats who pretend to defend working families are dead set on a massive tax cut that would overwhelmingly benefit rich people in blue States. One of the biggest pieces of

their signature bill is now a huge tax cut for rich people.

The same Democrats who say they support science and medicine want to slap arbitrary price controls on Americans' prescription drugs, reducing future innovation and, according to experts, literally costing Americans their lives who would have lived if not for this policy.

The same Democrats who pretend they care about Social Security and Medicare want to stretch seniors' existing Medicare Program even thinner. Even though the trust fund is already just a few years away from running dry, they would do this in order to fund new giveaways.

The same Democrats who talk a big game about competing with China want to raise taxes so high that our own American industries would face a higher tax rate than businesses have to pay in communist China.

The same Democrats who are still trying to sneak forms of amnesty into this bill also want to make illegal immigrants eligible for new welfare.

The same Democrats who pretend they are forward-thinking on energy issues want to hammer the U.S. economy with painful regulations while bigger emitters, like China, just keep on emitting—maximum pain for American families and no measurable gain for emissions or the climate.

The bill our colleagues are writing behind closed doors is terrible from top to bottom—more debt, more taxes, more inflation, and fewer options for American families.

This reckless taxing-and-spending spree would hurt families and help China. This radical social takeover is the last thing Americans need and the last thing Americans want. The voters of America just yesterday gave our colleagues a preview of that fact last night. It is not too late. They could still pull back from the brink while they can.

VOTING LAWS

Mr. President, now on one final matter, practically every single week, Senate Democrats make another attempt at grabbing new power over America's elections.

Remember, a giant partisan power grab over voting procedures in every county and State was Democrats' ceremonial first priority of this whole Congress. They revealed their mission from the very start. That first proposal would have sent Federal funds to political campaigns; overridden commonsense State rules, like voter ID; and even changed the Federal Election Commission itself from a neutral referee into a partisan body.

It was so bad—so bad—that even the New York Times called it a flawed bill that was ''designed to fail.'' That is, of course, exactly what happened here in the Senate, but the Democrats tipped their hand right from the start. They gave away the entire game.

So every time that Washington Democrats make a few changes around the margins and come back for more bites at the same apple, we know exactly what they are trying to do.

Many of the go-nowhere bills that the Democratic leader has used for political theater had Congress essentially appointing itself—itself—the Board of Elections on steroids for every county and State in America. Congress was going to micromanage elections to a degree with no precedent.

This new version, today's episode in this ongoing series, is only slightly different. Rather than congressional Democrats trying to grab all the power for themselves, they are instead trying to pull off the power grab on behalf of the Democratic Attorney General. Instead of Washington Democrats and the legislative branch seizing power over elections in the country, it will be Washington Democrats and the executive branch doing the same thing—a slightly different twist on the same concept, but for the same partisan reasons, with the same basic problems.

In order to let Attorney General Garland dictate voting procedures, Democrats want to overturn Supreme Court precedent. Our colleagues' flimsy arguments keep losing in court, so they are now trying to overturn the courts. When States cracked down on the absurd practice of ballot harvesting, Democrats ran to the courts, claiming discrimination, and lost.

When liberals wanted to kill voter ID laws—which are popular with majorities of Black Americans and Hispanic Americans, by the way—they ran to the courts.

What happened?

They lost.

When the Supreme Court ruled in 2013 that one part—just one part—of the 40-year-old Voting Rights Act needed updating, the radical left said the sky was falling and voter turnout would collapse.

Well, of course, the opposite happened. Turnout in 2020 was the highest since 1900. In one recent poll—listen to this—94 percent of voters say voting is easy. Ninety-four percent of voters say voting is easy, and, of course, it is.

Moreover, the Voting Rights Act is still in effect. The courts haven't struck down that law. It is simply false to suggest otherwise. The Supreme Court simply ruled that there was no evidence—no evidence—supporting the continuation of 40-year-old practices that were designed in the mid-1960s to address the specific challenges back then.

There is nothing—nothing—to suggest a sprawling Federal takeover is necessary. Nationalizing our elections is just a multidecade Democratic Party goal in constant search of a justification. Their rationales change constantly, but the end goal never does.

Americans don't need Attorney General Garland ruling over their States' and their counties' elections any more than they need congressional Democrats doing it themselves. So the Senate will reject this go-nowhere bill today, like we have rejected every other piece of fruit from the same poisonous tree.

This body has real business we should be tackling. The Defense authorization bill is months behind schedule. The majority has been derelict in allowing bipartisan progress on appropriations. These are things we need to be doing.

Every designed-to-fail political showboat comes at the expense of the things that we ought to be working on.

The PRESIDING OFFICER (Mr. LUJÁN). The Republican whip.

REMEMBERING JEAN ROUNDS

Mr. THUNE. Mr. President, let me begin this morning by saying how sorry we are to hear the news about the loss of the former First Lady Jean Rounds of the State of South Dakota.

MIKE and Jean have been friends of ours for many, many years. I was involved in Senator ROUNDS' first campaign for office when he ran for State Senate back in 1990. I have known Jean since I worked in the administration of late Governor George Mickelson along with her at the Department of Transportation, and I just can't tell you what a loss it is for the State of South Dakota.

She was an individual who carried herself with incredible grace, always kind, had a humility about her that I think people just found infectious. She was very down-to-earth. She never lost that. As a First Lady, she conducted herself in a way that represented a great model for the State of South Dakota, both in her character and her conduct. The style, the way in which she has served as First Lady, is something that I think made every South Dakotan proud.

So, today, along with all South Dakotans, Kimberley and I mourn her loss. We lift up the Rounds family in our prayers, and I hope and pray that through this time they will feel God's grace and comfort in new and profound ways. But just a tremendous loss, and I know for my colleague MIKE ROUNDS, who has been a great partner of mine—we have been involved in politics together now, in South Dakota, for over 30 years—that he, too, is going to need our support and our prayers in the days ahead.

This is a tough job under ordinary circumstances, but with the burden that he has been and will be carrying now into the future, it is going to be really important that we do everything we can to support him and stand with him, and today especially with him and his family.

ELECTIONS

Mr. President, there is a lot of interpretation about what happened in these off-year elections last night. Obviously, the results in two traditionally Democrat-leaning States are causing people to speculate about what it all means.

And I listened to some of the analysis, and there are lots of armchair quarterbacks who are doing the analysis about what these—what we all

should interpret these results; and, certainly, depending on where you are, you probably, maybe, come to certain different interpretations.

But some of what I heard this morning from a Democrat analyst was that this is evidence that the Democratic Party needs to double down on the big, reckless tax-and-spending bill because people who voted in Virginia and New Jersey last night didn't know what was in it, and when they find out all the good things that are in it, they are going to love this and they are going to want to support Democrats.

And I have to say I think that completely misses the point. I think what people are saying is they don't want to hand the keys to their lives to Washington, DC. This massive, reckless tax-and-spending spree that is being contemplated here by Senate Democrats is historic in its sweep, its expansion, its growth of government, its cost, its pricetag, and it is historic in terms of the amount of taxation that will be put on the backs of the American people in order to pay for it.

And I think what happened last night was a repudiation. It was repudiations of the nanny state and its belief that Washington knows best and that we should get people in this country more dependent upon Washington, DC.

I think what the American people are saying is: We don't want to be more dependent on Washington, DC. We want Washington, DC, to let us live our lives and to focus on the things that are really important to us.

And I think that the issues that were important yesterday had a lot to do with schools and kids and parents and whether or not they feel like they have control over their children's futures and what they learn in schools.

I think it had to do with the economic future that people were looking out as they envision the future for them, for their kids and their grandkids, and they are looking at how stretched their incomes now are because of this growth and inflation.

They are spending more on gasoline. They are spending more, as we head into the winter months, to heat their homes. They are spending more on food. They are spending more on housing. Literally everything in their world that they spend money on is going up, meaning their incomes are stretched thinner and thinner.

So I believe that what people were saying last night is: We don't want more Washington government and less freedom. We want less Washington government and more freedom.

And I think that resounded across the Commonwealth of Virginia and across New Jersey. And I would suggest that the takeaway for Democrats here in Washington should be not we are going to double down, we are going to spend—we are going to ram through in a partisan way this massive tax-and-spending bill; but, rather, let's pull back. Let's see what is happening out there in the economy. Let's see how it is affecting the average American worker and the average American family and the average American small business, and perhaps head in a slightly different direction that doesn't involve taking more taxes out of our economy and increasing inflation by flooding the zone with more government spending and, therefore, creating higher and higher inflation and ultimately making things more expensive for the American people to where they look at their personal financial situation and realize how much just the cost of inflation is impacting their family budgets on a daily basis, on a weekly basis, on a monthly basis.

That, to me, should be the takeaway coming out of this because I certainly don't believe in any respect that it wasn't that the American people didn't know what is in this massive tax-and-spending bill; rather, it is that they do know. They are finding out what is in it, and they are finding out that these are a lot of—there is a whole ton of spending in here.

And, honestly, you have to be pretty darn creative to figure out how to spend $3½ to $4 trillion, and there is a ton of taxing that goes with it.

And there was a study that came out yesterday from Penn Wharton, which suggested that this massive and reckless tax-and-spending bill actually runs over a $2 trillion deficit over the 10-year period.

If you look at the window, what it says is it is going to cost $3.9 trillion. This is based on the text that is currently available. And the taxes that are proposed to be raised generate about $1.5 trillion in revenue; therefore, a $2.4 trillion addition to the Federal debt, which is already, as we know, at the $30 trillion range and growing, literally, by the day.

So I would simply suggest to my colleagues here on the other side of the aisle that the message coming out of these elections is not ''We want more government for the American people. We want more dependence upon Washington, DC. We want Washington, DC, to do more things for us;'' but, rather, ''We want Washington, DC, to get out of the way, quit trying to run our lives, and create the conditions that are favorable for economic growth and job creation and higher wages so that we can take care of our families, rather than having to depend upon Washington, DC, to do it.''

I hope that this will be the resounding message we need to defeat this massive tax-and-spending bill and allow the American people the freedom they need to lead their lives and to have better opportunities for them, for their kids, and for their grandkids—and better wages.

Mr. President, I understand we have a vote coming up here, so I will yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Harris nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Benjamin Harris, of Virginia, to be an Assistant Secretary of the Treasury.

VOTE ON HARRIS NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Harris nomination?

Mr. THUNE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 457 Ex.]

YEAS—78

Baldwin	Graham	Padilla
Barrasso	Grassley	Peters
Bennet	Hassan	Portman
Blumenthal	Heinrich	Reed
Blunt	Hickenlooper	Risch
Booker	Hirono	Romney
Brown	Hyde-Smith	Rosen
Burr	Inhofe	Sanders
Cantwell	Johnson	Sasse
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Cassidy	Leahy	Smith
Collins	Lee	Stabenow
Coons	Luján	Tester
Cornyn	Lummis	Thune
Cortez Masto	Manchin	Toomey
Cramer	Markey	Van Hollen
Crapo	McConnell	Warner
Daines	Menendez	Warnock
Duckworth	Merkley	Warren
Durbin	Murkowski	Whitehouse
Feinstein	Murphy	Wicker
Fischer	Murray	Wyden
Gillibrand	Ossoff	Young

NAYS—21

Blackburn	Hawley	Rubio
Boozman	Hoeven	Scott (FL)
Braun	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Cruz	Marshall	Sullivan
Ernst	Moran	Tillis
Hagerty	Paul	Tuberville

NOT VOTING—1

Rounds

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Coleman nomination, which the clerk will report.

The bill clerk read the nomination of Isobel Coleman, of New York, to be a Deputy Administrator of the United States Agency for International Development.

VOTE ON COLEMAN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Coleman nomination?

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 458 Ex.]

YEAS—59

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Booker	Kaine	Sasse
Brown	Kelly	Schatz
Burr	King	Schumer
Cantwell	Klobuchar	Shaheen
Capito	Leahy	Sinema
Cardin	Luján	Smith
Carper	Manchin	Stabenow
Casey	Markey	Tester
Collins	Menendez	Toomey
Coons	Merkley	Van Hollen
Cortez Masto	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Whitehouse
Gillibrand	Padilla	Wicker
Hagerty	Peters	Wyden
Hassan	Portman	

NAYS—39

Barrasso	Fischer	McConnell
Blackburn	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hawley	Risch
Braun	Hoeven	Rubio
Cassidy	Hyde-Smith	Scott (FL)
Cornyn	Inhofe	Scott (SC)
Cotton	Johnson	Shelby
Cramer	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Lummis	Tuberville
Ernst	Marshall	Young

NOT VOTING—2

Rounds	Sanders

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Illinois.

ELECTION SECURITY

Mr. DURBIN. Mr. President, today is the 1-year anniversary of an election that was judged the most secure in the history of America. Let me say that again. The election that ended November 3, 2020, 1 year ago, was judged the most secure in American history. That is not my opinion; that is the official conclusion, under the Trump administration, of his Department of Homeland Security, which coordinates with the Nation's top cyber security and voting infrastructure experts to protect our elections. They released that assessment 10 days after last year's election, and they did it in the face of a dangerous and unprecedented avalanche of attacks and tweets from the enraged President Donald Trump, who claimed falsely that the election had been stolen from him.

Those election security experts were not alone. President Trump and his loyalists filed more than 50 lawsuits in State and Federal courts, repeating their false claims of voter fraud and stolen votes—50. Every crackpot theory that Rudy Giuliani could glean or spawn on the internet was tested in court. How did they do? Fifty lawsuits. No evidence to back their claims in the courts; only bizarre conspiracy theories and far-right internet gossip, which they accepted as gospel. Well, the lawsuits were all dismissed, some even by judges President Trump had nominated. It was not a great day for the theory of a stolen election in the courts of America.

What happened next? What happened was documented by the Senate Judiciary Committee, which I chair. We brought witnesses before us to really explore stage 2 of President Trump's effort to overturn the last election.

When he couldn't win in the courts, he decided to go to the Department of Justice. William Barr, his honored, loyal Attorney General, resigned after announcing he could find nothing wrong with the election, and then President Trump took it in his own hands. With a few of his allies, one of them Jeffrey Clark in the Department of Justice, they tried to pressure the Acting Attorney General, Jeffrey Rosen, to send a letter out to the attorneys general and other State authorities across the Nation to tell them to suspend reporting the electoral college vote count.

Well, Jeffrey Rosen and others stood up to the President even when he threatened to dismiss him and replace him. In fact, when that happened, a number of people in the Department of Justice, many of whom were appointees by President Trump, said that they would resign en mass if that happened.

So the Trump approach to take this to the Department of Justice and to railroad his way through there failed, but the Big Lie continued. We all know about the death and destruction of the Big Lie in this Capitol Building, in this Senate Chamber, on January 6. In this Capitol Building, 5 people lost their lives, and over 100 law enforcement were attacked by the mob that descended on this building. The entire world looked on in disbelief to think that a President would send a mob up to overrun the Capitol and to stop the electoral college vote count.

The Big Lie is also corroding America's faith in our electoral system. A new poll released this week disclosed that only one in three Republican voters trusts that the 2024 elections will be fair—only one in three.

One year ago, Americans braved a lethal pandemic to cast their ballots. Many stood in line, some for hours. The 2020 general election saw the highest voter turnout in more than a century, according to the Brennan Center. And as I said, it was our most secure election ever, as judged by President Trump's Department of Homeland Security and his Attorney General, William Barr. We ought to be proud of that.

Sadly, however, instead of telling people the truth and defending our elections, lawmakers in many States are using the Big Lie, propagated by former President Trump, as a pretext to undermine America's right to vote. We need to use examples here so you understand what we are saying.

Remember the runoff election for two senatorial seats in the State of Georgia? It was an important election, and there were unprecedented numbers of voters participating in it. The law in Georgia at the time said that people could register to vote between the official election count on November 3 and the runoff election count in January. Then the Georgia Legislature, after two Democratic Senators were elected, changed that and said: No, you can't register to vote in that interim period of time. They reduced the amount of time that people would have to cast absentee ballots.

Since the January 6 assault on the Capitol, more than 425 bills have been introduced in 49 States to make it harder to vote and in some cases easier for some politicians to overturn elections if they don't like voters' choices.

This is exactly how democracies wither. If we undermine the most fundamental concept of democracy—the right to vote and the right for people in that electorate to choose its leaders—we are going to weaken this democracy that we were honored to inherit.

Three times this year on the floor of the U.S. Senate, Republican Senators have used the filibuster, which historically has been the favorite tool of segregationists—and I might add, many of those segregationists were Democrats—to prevent this Senate from even debating voting rights. Let me say that again. Republicans have used the filibuster to prevent the Senate from even debating both the For the People Act twice and the Freedom to Vote Act.

The other day, I looked up the cloture vote on another of our Nation's great laws, the Civil Rights Act of 1964. On June 10, 1964, Senators voted to end the longest filibuster in history and allowed the Civil Rights Act to move forward. The vote tally is important. Among Republican Senators, 27 voted for cloture to end the filibuster, and 6 voted not to, to support the continuation of the filibuster—27 to 6 on the Republican side. The vote by Democratic Senators, as history judges it, and I stand by that judgment, was less noble. Forty-four Democrats voted to end the filibuster on the Civil Rights Act, and 23 voted to sustain it.

So if the Republicans voted with such a strong majority in favor of ending the filibuster that was propagated by Democratic Senators at the time against the Civil Rights Act, what has happened since? What has become of this Republican Party, this party of Abraham Lincoln? In fact, what has become of the party of Ronald Reagan?

You see, 40 years ago this week, President Reagan proudly signed a bill

extending the full protections of the 1965 Voting Rights Act for 25 years. This is what Ronald Reagan, Republican President of the United States, said: ''For this nation to remain true to its principles, we cannot allow any American's vote to be denied, diluted, or defiled. The right to vote,'' he said, ''is the crown jewel of American liberties, and we will not see its luster diminished.''

What a statement—as powerful and decisive as one might ask from a Republican President when he extended the Voting Rights Act of 1965.

So I want to commend my friend, and she is my friend, Senator LISA MURKOWSKI, the senior Senator from Alaska, for remaining true to the values of Abraham Lincoln and Ronald Reagan even in this hyperpartisan age.

Later today, the Senate will vote on whether to begin debate on the compromise version of the John Lewis Voting Rights Advancement Act. The compromise is the result of months of good-faith negotiation involving Senator LEAHY, the lead Democratic sponsor, my office, as well as Senator MANCHIN, Senator MURKOWSKI, and others who support this legislation. It will restore the original intention and protections of the 1965 Voting Rights Act, before misguided rulings by the Supreme Court gutted that magnificent law and rendered many of its critical protections vulnerable.

When a narrow conservative majority in the Supreme Court struck down the Voting Rights Act enforcement provision 8 years ago, it concluded that Congress could come up with a new enforcement formula for our times. Well, we did. This is it. The John R. Lewis Voting Rights Advancement Act contains that new formula. It is fair, it is bipartisan, and we need it urgently to stop the nationwide assault on voting rights that is being justified by President Trump's Big Lie.

Years ago, in one of the most memorable experiences in my public life, early on a foggy Sunday morning, I stood on the Edmund Pettus Bridge in Selma, AL, with my friend John Lewis. The two of us looked across at that piece of territory just at the bottom of the bridge where John Lewis nearly died when he was beaten during that march.

John Lewis risked his life so poor people and Black people in the Deep South could vote.

John Lewis had more moral courage than anyone I have known.

Many of our Republican friends say they revere him too. Well, today is the chance to show it. John Lewis championed the Voting Rights Advancement Act in the months before he died. He knew it would protect the America he loved and the cause he nearly died for.

The bill we will vote to begin debating later today is based on the same foundation as the Voting Rights Act extension that passed the Senate unanimously in 2006. Unanimously, it passed. But that was then, and this is now.

Do you know who voted in 2006 for the protections that we seek to restore with the John Lewis Voting Rights Advancement Act?

Senator LISA MURKOWSKI was one of those who did. But also at that time in 2006, the Senate Republican Leader, Senator MITCH MCCONNELL; the Senate Republican Whip, Senator JOHN THUNE—they voted for it too. It was a bipartisan, unanimous undertaking.

Next week, Americans will pause to honor the courage and sacrifice of our veterans. Before we vote on whether to allow the Senate to even begin debating voting rights, I urge my Republican friends to remember the words spoken by another President, President Johnson.

He spoke in the Capitol Rotunda, surrounded by Republican and Democratic Senators of the day and the Reverend Martin Luther King and other heroes of the long struggle to secure voting rights. President Johnson called the passage of the Voting Rights Act ''a triumph for freedom as huge as any victory that has ever been won on any battlefield.''

For all those—the thousands—who have risked their lives to defend this country, they were defending not just a name, not just a piece of geography; they were defending our rights as Americans and they were prepared to die for it, whether on the foreign battlefield or on a bridge in Selma.

I urge my Republican colleagues to let the Senate debate voting rights. Vote ''yes'' for cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, later today, the Senate will vote on the latest power grab by our friends across the aisle, a bill that is called the John Lewis Voting Rights Advancement Act of 2021.

The most important reason to vote against this legislation is that it is clearly unconstitutional.

I know it is unusual for Members of the legislative branch to make statements like that, but we do take an oath to uphold the Constitution and laws of the United States, and I think it is part of our responsibility to assess the constitutionality of legislation that is being proposed and to make a judgment on whether it is constitutional or not.

One reason why I say that is because the Supreme Court has made very clear that it is within the authority of the States to conduct elections, and that those elections must be run subject to the Voting Rights Act; but that is section 2 of the Voting Rights Act, which applies across the entire country.

One of the reasons we find ourselves in this position today is because, in 2006, our Democratic colleagues proposed an extension of the Voting Rights Act but did not update the formula by which covered States were being determined. In other words, in 2006, they did not reflect the huge improvement and advances made in minority voting strength since 1965.

I think you could say without fear of contradiction that the Voting Rights Act is one of the most important and most successful pieces of legislation ever passed in this country. The good news is that it has worked exactly as Congress had hoped. So our colleagues are really trying to pass an unconstitutional law, which would require States to change their voting rules to ask permission of the Biden Justice Department before they do so.

As Chief Justice Roberts laid out in the Shelby County case, that is a departure from the norm, to be sure, and can only be justified to remedy past discrimination. But if you look at the current numbers of minority voting strength around the country, you see minorities voting at historically high numbers and even in many instances exceeding that of the majority. So this is really a piece of legislation that is being sold under false pretenses.

Based on the way our Democratic colleagues talk about the state of voting rights in America, you would think the Supreme Court had struck down the Voting Rights Act. The chairman of the Judiciary Committee, who just spoke, the Democratic whip, described the current law as an ''insidious effort to suppress the right of voters of color.''

The majority leader, Senator SCHUMER, recently said that the right to vote was ''under attack in ways we have not seen in generations.''

And the Speaker of the House has said ''voting rights are under relentless attack.''

But the facts do not align with this doom and gloom picture of America. In 2020, roughly two-thirds of all eligible voters cast a ballot. In Texas, 66 percent of registered voters cast a ballot, 11.3 million voters. Compared to 2016, 17 million more people voted in 2020. This includes a higher turnout in Black, White, Hispanic, and Asian-American communities.

When Congress passed the Voting Rights Act back in 1965, the goal—the laudable goal, which we all share—was to eliminate discriminatory practices, and there is no question that it ultimately has worked.

In 2012, for the first time on record, the turnout among Black voters was higher than that of White voters—higher. And in 2012, Hispanic and Asian voters turned out at the highest rate on record.

So, clearly, thankfully, we have come a long way since 1965. And despite what Democrats would have you believe, the Voting Rights Act is alive and well and continues to protect minority Americans from discrimination.

Even though the facts don't align with the Democrats' sky-is-falling depiction of voting rights in America, that hasn't stopped them from pushing this false narrative of widespread voter suppression. As our colleagues have demonstrated over the past few years,

they have one tried-and-true strategy: if you can't win the game, change the rules.

They failed to stop conservative nominees from reaching the Supreme Court, so their solution is to pack the Supreme Court with additional Justices—just add more liberal Justices. They are uninterested in bipartisanship, so they proposed ending the legislative filibuster. We have heard that time and time again. The Democratic whip just talked about the filibuster. And since they failed to secure a mandate in Congress, they want to forever change the rules of America's elections to rig the game in their favor.

We have seen a steady stream of bills designed by our Democratic colleagues to achieve this end. This current bill, I think, is about the third iteration. First came the so-called For the People Act.

Who could be against the For the People Act?

It was so unpopular among Democrats that they had to go back to the drawing board and rewrite it. When the updated version came to the floor for a Senate vote, it went down with bipartisan opposition. So they came back from their drawing board once again, giving their legislation a new and different name: the Freedom to Vote Act.

They stripped out some of the most egregious provisions, but not nearly enough to change the fate of this partisan bill; and like its predecessor, it failed to pass the Senate.

But now our Democratic colleagues, they really do have the answer: a bill that perverts the cause of voting rights to give the Democratic Party unprecedented control over America's elections.

At the heart of this legislation is the preclearance regime. In other words, the States would have to ask the Federal Government: Can we pass laws in our State?

And it would be up to the Biden Justice Department and Merrick Garland to say yes or no.

Now, back in 1965, the original Voting Rights Act did have a preclearance requirement, but it is clear that, according to the Supreme Court, that was only justified based on a history of past discrimination, which has now been essentially eradicated, if you believe the numbers of minority voters who are casting their ballots now.

So think about the children's game, ''Mother, may I?'' All the kids line up on one side of the room except one who stands on the other side and acts like the mother. Before anyone can move forward, they have to ask, ''Mother, may I?'' Sometimes the mother says ''yes, you may,'' and sometimes she says ''no, you may not.'' Sometimes she even orders the children to take a step backward.

That is eventually what Democrats are proposing in this legislation, to make the Biden Justice Department the mother, and the States have to ask, ''Mother, may I?'' before they could even fulfill their constitutional responsibilities.

In 2013, the Supreme Court struck down the portion of the law that set the formula for when a State or local jurisdiction would have to seek preclearance. But, to be clear—and you can't tell this from the rhetoric on the left—the Court did not strike down the Voting Rights Act in its entirety; just the formula that determined which States would be covered. Because, as the Supreme Court said, that formula had to reflect current conditions, and, instead, Congress chose not to update the formula from 1965. That was section 4 of the Voting Rights Act, which the Supreme Court of the United States held unconstitutional.

Chief Justice Roberts, in his opinion, speaking of the formula in that legislation, said: '' . . . history did not end in 1965.''

Well, here's an example. The formula set in 1965 required States to receive preclearance if they had any ''test or device'' that restricts voting. That would include things like literacy tests or subjective determinations of good moral character, which are, thankfully, nowhere to be found today.

Democrats have tried to market this bill as a response to the Supreme Court's decision, but the truth is this legislation goes far beyond updating that outdated formula.

It would make the formula so broad that virtually every State would have to ask of the Biden Justice Department, ''Mother, may I?'' before making any changes in their election laws. So if a county or municipal utility district or the State itself wanted to do something as simple as clean up voter rolls and remove the names of dead people, they would have to ask the Federal Government and the Biden Justice Department for permission to do so.

Well, this is the same organization—the Biden Justice Department—that recently took aggressive actions to discourage parents from exercising their constitutional right to speak out at local school board meetings.

Clearly, we don't need to vest States' authorities in the hands of these unanswerable bureaucrats who are willing to abuse their power to discourage parents from exercising their constitutional rights.

Based on this broad formula, you would think there has been countless unenforced instances of voter discrimination. If Democrats are willing to go this far to stop discrimination, it must be a widespread problem, right?

Wrong.

The Justice Department, as I said, retains the right to enforce section 2 of the Voting Rights Act, which applies to the entire United States, and it prohibits discrimination on the basis of race, color, or membership in a language minority group.

During the entire 8 years of the Obama administration, the Justice Department only filed four—four—enforcement cases under section 2.

Well, if you think that discrimination against minority voters is rampant, don't you think you would see more than four enforcement actions by the Obama administration over an 8-year period of time?

Well, the power grab doesn't stop there.

This legislation also gives the Department of Justice veto power over State voter ID laws. Now, we all know you have to show a photo ID to open up a bank account; buy tobacco, alcohol; get married; board a plane; and do countless other things in our country. But our Democratic colleagues have this thing about requiring voter ID to vote, to make sure that you are actually qualified and authorized to cast a ballot.

The American people overwhelmingly support voter ID laws. Four in five people believe voters should be required to show a voter ID in order to cast a ballot. But this legislation would override the will of 80 percent of Americans and allow the Justice Department to veto those laws for basically any reason that they choose.

In so many ways, this legislation is a solution in search of a problem. It interferes—and I would say it usurps—the States' constitutional authority to manage their own elections and set their own congressional districts.

You would have to ask ''Mother, may I?'' of the Biden Justice Department to redo any redistricting, which is currently underway now, in advance.

And it makes it virtually impossible for the States to take actions to prevent fraud, essentially encouraging them to wait for large-scale voter fraud before they can take any action. And it arms the Department of Justice with new powers that will surely be used against those of the Democratic Party.

We are still seeing the consequences of the Justice Department's blatant attack on concerned parents in our schools. Why on Earth would we hand a politically motivated Department even more power to abuse, especially when that power could shape the result of our elections?

From city councils and school boards, all the way up to the President of the United States, the American people have a right—and I would argue a duty—to make their voices heard. A ''government of the people, by the people, for the people''—as Abraham Lincoln phrased it—is only possible if all Americans are free to participate in public life.

Despite what the radical left might lead you to believe, there is no nationwide assault on minority voting rights. If there were, every single person in this building would be lined up together, arm's length, to fight against it.

As I said before, the Voting Rights Act of 1965 is one of the most important laws in modern American history, and it has actually worked, and it continues to protect all persons of color from any sort of discrimination when

it comes to their right to cast their ballot.

This bill isn't about supporting disenfranchised voters, though, or fighting voter suppression. This is a politically motivated power grab that would allow Democrats to determine and Washington to determine how elections in Texas would run.

The narrative of widespread voter suppression is nothing but a scare tactic designed to support a political outcome.

Republicans have blocked every iteration of this partisan power grab so far, and we will stand together to oppose this one as well at the next vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION RESULTS

Mr. COTTON. Mr. President, last night, the American people sent an unmistakable message to the Democratic Party: We don't like your agenda, we don't want your agenda, and we won't vote for your agenda or for you.

During this election, the Democratic Party was exposed for what it has become: a party that holds police, parents, and patriotism in contempt. And now the Democrats have paid the price. The Democrats will continue to pay that price until they reject the repugnant radicalism that has infected their party.

The Democratic defeat last night was not in a single State or one county or some isolated municipality. It was not some isolated incident. It was not the result of just a single quirky issue or a bad candidate. It was a nationwide disaster and wipeout for the Democratic Party.

After 12 years of uninterrupted statewide victories in the Commonwealth of Virginia, Democrats appear to have lost not one, not two, but all three statewide races this year, along with control of the Virginia House of Delegates. And the only reason they didn't lose the Virginia State Senate is the State senate wasn't on the ballot last night.

I would remind you that Virginia is not a swing State, as you may have heard this morning to excuse the Democrats' terrible performance. Joe Biden won Virginia by 10 points. It has been 12 years since Virginia voted for a Republican. Virginia is a Democratic State and has been for more than a decade. Yet, now, Joe Biden's acolytes have been soundly defeated by Republican Governor-elect Glenn Youngkin, Lieutenant Governor-elect Winsome Sears, and Attorney General-elect Jason Miyares. It is remarkable how quickly the President's party has frittered away all of the good will in Virginia.

Now, I have also heard some Democrats try to explain away the loss in Virginia by saying Terry McAuliffe was a bad candidate. Now, I certainly have no grief for Terry McAuliffe, but I would say that Terry McAuliffe was such a bad candidate that he also is causing the Democratic Governor in New Jersey to lose. Joe Biden won that State by 16 points, and at this moment, the Governor's race is too close to call—too close to call. So it is at least a 16-point swing even if the Democratic Governor squeaks it out.

Oh, by the way, the Democratic State senate president, one of the key power brokers in New Jersey, appears to be on his path to losing to a Republican truckdriver who spent a grand total of $153 on his campaign but someone who said: I am a dad and I am a grandfather, and I think that we are taxed too much and that we need better representation.

If anyone had told Governor Phil Murphy and the Democrats yesterday that this would be a close race, he would have been laughed out of the room. Yet outrage against Democratic policies is rampant even in deep blue New Jersey.

Looking across State lines in New York, there was a similarly shocking outcome, with Republicans apparently sweeping every office in Long Island—every office in Long Island—driven in no small part by the insane, pro-criminal policies of the New York Democrats who want to eliminate cash bail and defund the police and go soft on criminals and let them out of jail early.

Speaking of that, let's turn to deep, deep blue Minneapolis, MN, where the BLM riots got kicked off last summer, where Democratic ''defund the police'' radicals have waged an unrelenting war on their city's police force. In a referendum to replace the police department, 56 percent of voters revolted and voted to keep the police department just the way it is—thank you very much.

This should teach the Democrats an important lesson. If ''defund the police'' can't win in a city that has been run entirely by Democratic mayors for nearly a half-century, it is not going to win anywhere.

Now, if this was a bad night for Democrats, it was an even worse night for the woke, far-left progressives who dominate in the Democratic Party. In Buffalo, NY, voters appear to have rejected this Democratic radicalism. Self-proclaimed socialist mayoral candidate India Walton had actually beaten the incumbent Democratic mayor earlier this year for the nomination, but now India Walton is losing to the current mayor in a write-in campaign—a write-in campaign.

Again, if your far-left policies can't even win when you are your party's nominee and in a city that has been run entirely by Democrats for a half-century, you had better believe they are bad and unpopular policies that will cost you your next election.

Finally, as far away as San Antonio, Republicans have flipped a largely Hispanic district long considered a Democratic bastion in a clear sign that Republican inroads with Hispanic voters last year were not a fluke.

So what is responsible for this astounding red wave unlike anything we have seen in years? Well, if you listen to some in the media this morning, the answer is the same as always: It is Republican racism. Glenn Youngkin is apparently a smiling, fleece-jacket wearing reincarnation of Democratic demagogues. But if you look at the map and you look at the actual results, this laughable attack is exposed for what it is: dishonest propaganda.

As part of this supposedly racist or White supremacist backlash election, more than half of Hispanic voters appear to have pulled the lever for Glenn Youngkin. Not one but two plurality-Black Virginia State House districts flipped to the GOP. Best of all for this supposedly racist or White supremacist backlash election, Virginia voters just elected the State's first Black female Lieutenant Governor. That woman is Winsome Sears, a gun-toting immigrant, Marine veteran, and a proud conservative Republican.

So much for the media spin. Now for the truth. According to exit polls, the top issues on voters' minds were the economy and education. Both spelled disaster for the Democrats.

For months, Americans have watched with alarm as Democrats have shoveled trillions of dollars into liberal priorities while inflation has surged upwards. They have suffered skyrocketing costs at the grocery store and the gas pump.

First, the Democrats said this is merely transitory inflation. Then they laughed it off as a joke, and they said: Sorry. You will have to lower your expectations. It may take you a while to get your treadmill.

Then they demanded trillions of dollars more in their so-called Build Back Better initiative, which should perhaps be called ''build back broke'' if you are a working family.

So when Glenn Youngkin offered to eliminate Virginia's onerous grocery tax and cut the progressive gas tax, normal Virginians listened, and they voted.

American parents have also been ignored and mistreated by the schools that are supposed to be teaching their kids. Remote learning was a disaster for America's children. Some have fallen months behind in their development, and many more have suffered the consequences of social isolation. But if there is a silver lining in this tragedy, it is that parents were finally able to see the nonsense that their kids were being taught: critical race theory, indoctrinated to see everything and everyone first and foremost by the color of their skin and to hate their country. Parents were outraged, and parents were right to be outraged.

Now, the Democrats' response to this controversy reminds me of the old line

that that dog didn't bite you; he is not my dog; he kicked you first. Their first response was that critical race theory is a figment of your imagination. And they said it is not taught in Virginia. And they said: Well, it should be taught anyway because our schools and our institutions are so racist.

Then again, they also said that there was no threat of having teenage boys in girls' bathrooms. We now know that Loudoun County didn't just cover up one rape—one rape—of a teenage girl by a boy dressed as a girl but then transferred that boy to another school, where he committed a second assault. Not surprisingly, parents in Loudoun County didn't take too kindly to the woke Democrats in charge of that school system.

When their arguments failed to persuade, the Democrats tried a different tactic: silencing parents. Terry McAuliffe boldly claimed that parents shouldn't tell schools what they should teach their kids. Attorney General Merrick Garland even tried to sic the FBI on parents who showed up to protest at school board meetings.

So it is no wonder that parents voted for Republicans in Virginia and across the country when the alternative was nothing but contempt and spite for parents raising their children as they see fit.

So, yes, the American people are disappointed, dissatisfied, and, frankly, disgusted with the modern Democratic Party, which sneeringly claims that it knows best always and about everything. Now, if it did, it would have seen this coming.

I would simply caution my Democratic colleagues, especially four future former one-term Senators, that if they don't change their ways, if they proceed with this reckless tax-and-spending bill, which includes over a trillion dollars in wasteful spending and which is littered with woke projects and leftist schemes, next year will be even worse. That chill you feel is the voters walking over your grave.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING ABNER LINWOOD HOLTON, JR., AND VOTING RIGHTS

Mr. KAINE. Mr. President, I rise today to offer a tribute to one of my best friends and my political hero, my father-in-law, Linwood Holton, who died last Thursday at age 98.

I wanted to talk about Linwood and his influence on my life, but there is no more appropriate time to talk about him than right now, as we are about to cast a vote to proceed to the John Lewis Voting Rights Act.

Abner Linwood Holton, Jr., was born September 21, 1923, in Big Stone Gap, VA. Big Stone Gap is a tiny town in the far southwest corner of Virginia, a few miles from the Virginia-Kentucky border.

He was the son of a dad who helped run a small railroad—the Interstate Railroad—that would bring coal out of the coalfields to connect with a larger rail line that ran north and south through the Great Valley of Virginia.

Growing up at that time, with three siblings, with parents who cared deeply about him, he saw the challenges of the Depression. And my father-in-law was a very remarkable youngster because he had a deep empathy for other people that sometimes young folks don't always have.

My father-in-law wrote an autobiography called ''Opportunity Time'' in the early 2000s, and he described an experience in his life that was pivotal to the rest of his life. He was young, 8 or 9 years old. He lived in a community that was predominantly White folks. There were few African Americans in his town. It was a community that was connected to coal mines in Appalachia. He saw a friend of his talking to an elderly African-American man in an incredibly mean and disrespectful way, and it shocked him.

So he asked the man, after his friend had gone: Why did you let him talk to you that way? I can't believe that a youngster would talk to an adult that way.

And the man basically just pointed to the color of his skin and said: What choice do I have? That is just the way we get treated.

When Linwood wrote his autobiography—I can almost quote this directly from memory—he described that instance, and he said: It caused me to feel such shame then, and I feel shame as I write these words today.

Sometimes young people watch how others treat people, and they just absorb, OK, I guess that is the way you treat people. But Linwood, as a youngster, immediately could grasp, no, that is not the way to treat people.

I think he connected the discrimination against this African-American man with a discrimination that he kind of felt being from Appalachia. There were stereotypes about Appalachians—hillbillies or whatever else they might be called—and he resented that. He didn't like anybody looking down on him, and he decided that the answer to that was not for him to look down on others, but that, instead, anybody looking down on anybody else was doing wrong. I think this was also partly out of Lin's deep religious faith. He was raised in a Presbyterian church, in Big Stone GA, VA.

My father-in-law went on to go to Washington and Lee. Pearl Harbor happened. His parents wrote him and said: We know what you are going to try to do. You are going to try to drop out of college to go fight World War II. Please don't do it.

He promised his parents he would get through the end of the academic year, and did. And then he dropped out, and he joined the Navy.

I said to my father-in-law once: You were in Big Stone Gap. You had never even seen the ocean before. Why would you join the Navy and not the Army?

He said: In the Navy, you always get a bunk, and I hate sleeping on the ground.

So he joined the Navy. He was in the submarine corps in the Pacific during World War II. He participated in the occupation of postwar Japan. Then came back to Virginia, settled in Roanoke; met my mother-in-law, Jinx, who turned 96 10 days ago; had four children, including my wife, Anne—Anne was the second of their four children—10 grandchildren.

But after practicing law in Roanoke, he made a decision that he didn't like politics in Virginia and he was going to try to do something really important, which was create a competitive two-party system.

Virginia was dominated by a political machine called the Byrd Machine from the 1920s until the 1960s. So there wasn't really two-party politics. And the Byrd Machine was a machine in a particular way—sometimes if we think about machines, we might think about corruption and bribery. That was not what the machine did. The Byrd Machine was corrupt in maybe even a more damaging way. It dramatically limited who could vote, who could participate; drove down turnout in elections through mechanisms, like poll taxes and literacy tests and other things so that very few folks could even participate in the democracy in Virginia—the mother of Presidents.

Linwood came back from the Pacific in World War II. There was a Governor's race in 1945, in Virginia, and a gentleman by the name of Bill Tuck, from Halifax County, won that race. And Linwood has told me this a million times: I came back and Bill Tuck won the Governor's race, and the total turnout in the race was about 8 percent of Virginia adults—8 percent.

Poll taxes kept people away. Literacy tests kept people away. The absence of a meaningful two-party system made some folks say: Why bother?

And Linwood said: I fought in the Pacific for democracy, and I come home to the Commonwealth of Virginia and this is what I'm faced with.

And so he took it upon himself to build a Republican Party so that there could be a competitive two-party democracy in Virginia that would give people a choice and that would break down barriers of all kinds to people being educated together, people working together, and people being able to vote and participate.

My father-in-law is most known because he was the Governor that integrated the public schools of Virginia after previous Governors had kept them segregated, even 16 years after Brown v. Board of Education.

The Byrd Machine had insisted that Governors fight against the Federal

Government, fight against bussing, fight against the notion that children could sit in a classroom next to somebody whose skin color was different.

In Virginia, during my lifetime, a number of jurisdictions even shut their public schools down for years, years at a time—in one instance, for 5 years—rather than let students go to schools together where they might sit with somebody of a different race. Prince Edward County and other counties shut schools down—Warren County in Northern Virginia, Norfolk.

Linwood wanted to break that up. That passion for racial equality from his early days led him to want to break that up because we are all equal, but also, education is so important; why deprive anyone of an educational opportunity? So he campaigned first twice for the House of Delegates in Roanoke and lost both times. Then he was the Virginia candidate for Governor, the Republican candidate, in 1965. He got 35 percent of the vote, which was unheard of for a Republican. Then he ran again in 1969, and he won the governorship on his fourth try for elected office.

Shortly after his election, a Federal court in Richmond ordered that schools be bussed to achieve the ending of segregation and have students be able to learn together regardless of the color of their skin.

Linwood did what was unthinkable in 1970. Instead of fighting against bussing and fighting against integration, he not only said ''I am going to support this,'' but he said ''I am going to support it with my own school-age children.''

My wife and her siblings lived in the Governor's mansion, and it wasn't in any particular school district. They could have gone to all-White schools in the suburbs. They could have gone to private schools. But, instead, the Governor and his wife, my mother-in-law, and the four kids decided, we are going to go to the neighborhood schools. And those neighborhood schools were primarily African-American schools.

Linwood escorted my sister-in-law, Tayloe, into John F. Kennedy High School, a predominantly African-American high school in Richmond, in the fall of 1970. The picture of the Governor and Tayloe walking into that predominantly Black school was on the front page of the New York Times. There had been so many pictures of Governors in the South standing in schoolhouse doors blocking African-American kids from coming into high schools and colleges, but there was only one picture—only one—of a southern Governor escorting his daughter into a primarily Black high school to send the message that we are all equal; that education is important and the era of defiance in fighting against the Supreme Court is over.

Linwood also brought African Americans into State employment in leadership roles in very significant ways that had not been done before.

As people think about Governor Holton, they think about him as a pioneer who helped turn Virginia away from defiance and segregation to try to realize the original promise of equality that another Virginian, Thomas Jefferson, articulated in the Declaration of Independence. He did other things as well. He created the modern cabinet system in Virginia. He unified the Port of Virginia. These ports in Newport News, Portsmouth, and Norfolk that were kind of competing with each other—he brought them all together so they could compete with ports around the world rather than with each other. He imposed an income tax to clean up Virginia's rivers.

But his true legacy and what people think about him is, he was a champion for racial equality at a time when leaders were needed. And it was hard. It was hard. Linwood had spent now 20 years building up a competitive two-party democracy in Virginia, and he left office with a 77-percent approval rating when he was about 47 years old. But his party would have nothing to do with him. They were so upset with this founder of the Virginia modern Republican Party; they were so upset with him for integrating public schools that when he ran for the U.S. Senate just a few years later, in 1978—he had been out of office 3 years—in a four-way Republican-nominated convention, he finished third out of four because his pro-racial equality stand was so controversial. As you might imagine, that made my father-in-law a little bitter. He had worked so hard to build up a two-party system and to champion racial equality that that was hard for him.

I met my wife and started to date her shortly after he had unsuccessfully run for the Senate. I come from a completely nonpolitical family from Kansas City. I knew nothing about politics, nothing about Virginia. Then I got to know this kind of scary, you know, potential father-in-law who was notable and had been a Governor, and he seemed kind of intimidating to me. But as I got to know his story, I could see how proud he was of his accomplishments and of his children but how painful it was to have advanced in steps of courage toward something good and then be frozen out, basically, of politics thereafter.

Yet, through the miracle of longevity, people came around. They came around to appreciate him. Beginning in about the 1990s, people started to say: Linwood Holton—that was a good Governor. He lived long enough to see his reputation be restored and people understanding his pivotal role in helping Virginia move forward.

The obituaries and tribute to Governor Holton when he passed last Thursday at noon, peacefully—and my wife was there to tell her mother that her husband of 68 years had just passed—the tributes that have come in have been remarkable, and the family kind of laughed about the things that they are saying about Lin Holton. They are 180 degrees different than the things they were saying about him in the 1970s.

Pages, living well is the best revenge. Live according to your vows and stick by it. You know what. It will come back to you one day, and people will respect you for being a person of principle. That is how it was with Lin.

I am on the floor today—I was intending to come today regardless of what the vote was because I wanted to kind of collect my thoughts about my father-in-law. There are so many things he stands for: the value of equality; that losing isn't bad. He ran for office five times in his life, and he only won once. His record is 1 in 4. But nobody ever says about Lin Holton that he lost four elections. What they said is that he was Governor at a tough time and that he had courage and a backbone, and he did what was right. He was also a great voting rights Governor.

Here is where I want to conclude and then lead into the vote that we will cast on the John Lewis Voting Rights Act.

Remember I told you how when Linwood came back from World War II, there was a Governor's race, and the turnout was just so pitifully low because of things like poll taxes that were designed not only to disenfranchise African-American voters but poor White voters too. If you didn't pay your poll tax, it would accumulate year to year, and then you would go to vote, and you would be presented with a big bill. If you couldn't pay it, you couldn't vote. That is what kept voting percentages so low in Virginia.

Poll taxes were commonly used this way in the South, all over the South. Many States had abandoned poll taxes by the 1940s and 1950s because they disenfranchised not only African-Americans but also poor Whites. But Virginia still had a poll tax. That was one of the main reasons why turnout was so low in the election of 1945, and it became an object in the platform of the Republican Party that my father-in-law built to get rid of poll taxes. They tried and they tried, but they were outmatched in the Virginia Legislature, and the Byrd Machine wanted poll taxes.

This body, Congress, got rid of poll taxes as a prerequisite to voting in Federal elections in the 24th Amendment to the Constitution. It was passed and then ratified by the States in 1964, but poll taxes were still used in State elections in Virginia.

Get this: When Lin ran for Governor in 1965 and lost, the total votes cast were about 565,000 votes. When he ran for Governor in 1969 and won—with the support of business and labor and the civil rights organization—now the total vote was 965,000. In one cycle between two Governor's races, the turnout went up by 65 percent in one cycle, and it went up for one reason: In Harper v. Virginia in 1966, the U.S. Supreme Court struck down poll taxes for State elections.

So when you cleared that obstacle out of the way, participation dramatically improved. Even though a Republican won, my father-in-law, it was great for democracy—small ''d'' in democracy—because more participation is a positive thing.

Last night, we had a Governor's race in Virginia, and it didn't end up the way I hoped that it would, but there was a good thing for democracy in that election. The turnout in last night's election in Virginia was 25 percent higher than in the Governor's race 4 years earlier. That is a huge, huge increase in voter participation. Why was the turnout so much higher? It was higher because our Virginia Legislature made a series of reforms to take Virginia from one of the hardest States to vote in in the country—couldn't vote easily early; couldn't vote in person early; had to have an excuse to cast an absentee ballot. In 2019, our two Democratic houses passed legislation that now makes Virginia one of the easiest States to vote in in the country. As a result, the turnout went up by 25 percent from the last Governor's race to the race last night.

Again, it wasn't the outcome that I wanted, but creating more opportunities for voting rights just wasn't to help the Democratic Party; it was actually to help small ''d'' democracy in the same way my father-in-law battled against poll taxes. When they were knocked down, there were more people willing to participate. The reforms we made in Virginia have enabled both Democrats and Republicans and Independents to participate more conveniently and thus have driven up voting turnout.

I am a strong supporter of the John Lewis Voting Rights Act, restoring meaningful preclearance, and requiring jurisdictions that have a pattern of voting rights violations to seek preclearance. One of the reason I so strongly support it is I lived under the Voting Rights Act as the mayor of Richmond, and I lived under it as a Governor of Virginia, and it wasn't hard. When we were making changes, we would submit them to the Justice Department. They had 90 days to review them. They would ask us questions. We would have dialogue. They would usually give us a green light. When they gave us a green light, we had some assurance that we were not doing anything intentionally—we were not doing anything that even unwittingly gets in people's way in terms of being able to vote.

This bill would restore the preclearance requirement that the Supreme Court struck down in 2013 by requiring preclearance not of jurisdictions based on where they are—Southern States—but instead saying to any jurisdiction—North, South, East, West, Midwest—if you have had a pattern of voting rights violations in the past 25 years, you must seek preclearance, but as soon as you are clean, with no voting rights violations for 10 years, you don't have to seek preclearance unless you commit new voting rights violations. Even-steven. Every part of the country is treated the same.

The initial Voting Rights Act was completely bipartisan. Its reauthorization over years has been completely bipartisan. I stand on the floor to ask my colleagues, in the memory of my father-in-law, a Republican who was my political hero, who was a pro-voting rights person, as the Republican Party has been during much of its life, I ask my colleagues to join together and support vigorous participation of voters in this democracy.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I come to the floor this afternoon to speak also about the John R. Lewis Voting Rights Advancement Act. This is S. 4.

Listening to my friend from Virginia here describe some of the history that he and his family have been through, again, this is an important part of the discussion and debate when we talk about one of the very cornerstones of our identity as an extraordinary nation, this principle of democracy and freedom and fair and open elections.

The majority leader filed cloture on the motion to proceed on Monday evening, and despite some very real reservations that I have—and it is fair to talk about those reservations—I will be among those who vote to begin debate on this measure when we have this vote in a few minutes here. I will do so because I strongly support and I believe that Congress should enact a bipartisan reauthorization of the Voting Rights Act. We have done that. Congress has done that five times since 1965, typically—typically—by an overwhelming margin here in the Senate.

It has been about 15 years now since our last amendment to the Voting Rights Act, and I think it is fair to say that 15 years after passage, it is probably timely and necessary to look at updates.

In order to do that, I think that what we have to do is we have to step back from the partisanship. We have to step back from the politicization that is driving this conversation. I think we should be able to agree to meaningful improvements that will help ensure that all of our elections are free, they are fair, and they are accessible to all Americans.

Now, those who follow this issue know that it is probably no great surprise that I am involved in this discussion here today. I have been the lead Republican cosponsor of the voting rights reauthorization now for the last 6 years. I have worked with my friend from Vermont, Senator LEAHY, as well as with Senator DURBIN, Senator MANCHIN, and others to shape a framework that will allow us to make some progress on some very real and legitimate issues.

At this point, I feel that we have got a good foundation to help provide access to the ballot that is equal, again, for all Americans and free from any form of discrimination. We should all be able to support legislation to assure just that much—that much—because nothing, as my friend from Virginia has said, is more fundamental than the right to vote.

We have all heard that story of Benjamin Franklin being asked at the end of the Constitutional Convention about the type of government that the Framers had designed. His response, at least according to some sources, was, ''A republic if you can keep it.''

I recognize that one of the surest ways to lose our Republic is to allow the public trust in our elections to erode, and I fear that that is where we are—that that trust, that faith, in our own elections is eroding.

I have engaged in voting rights legislation because I want us to continue to reduce those barriers to Americans' ability to voting, whether it is geographic, whether it is logistical—and we certainly know about that in Alaska—whether it is partisan or some other form. I think we recognize that we have come a long way from the 1960s—I would, certainly, hope so—but I think we need to acknowledge that we can continue to build on that through reasonable and well-considered legislation.

The voting rights legislation that I support is not this sweeping overhaul that would take power away from the States in order to federalize the election process. There was a bill earlier on the floor this year, and I voted against that. I didn't like that very detailed, prescriptive approach that, I felt, was moving us toward a federalization.

Instead, the legislation that I support would provide greater transparency for Federal elections so that voters are fully informed, so that they know about the changes in voting procedures. It would protect voters from discrimination in all of its forms and continue to knock down the barriers that we know, in many places, still exist.

It would provide protections for voters, for election workers, and polling places to discourage the efforts to interfere, to intimidate, or to physically harm them.

It would provide for voting materials in relevant areas to be translated in our Native languages. This is very important for us back home in Alaska.

It would require States that have historically been found to discriminate against minority voters to, once again, preclear their changes in their voting laws, and it would uphold the many, many good practices and procedures that we have in States like Alaska, rather than burdening them with new mandates that aren't designed for a place, again, like Alaska where, geographically, logistically, it just might simply not work.

That is the kind of legislation that I can support, but I need to be clear here. That is not the description of S.

4, the bill that is being brought up for debate. I don't support S. 4 as it was written and as it was introduced. What I can support in its place and as a starting point is the substitute amendment that the majority has agreed to lay down should the Senate agree to begin debate. That substitute amendment contains more than a dozen significant changes that my team and I have been working with others to negotiate.

So the question, I think, needs to be asked: Is that enough? And I say: No, it is not enough. Even with those changes, I still have concerns, and I know that many of my colleagues on this side of the aisle have concerns. Substantive changes will be needed before this measure is ready to pass the Senate.

So, if this procedural vote fails today, where do I think we go next? We have to go back. We have to consider this legislation through regular order, through the committee process.

In the meantime, I mentioned just the politicization, the partisanship that we have seen with these issues. I think: Let's stop the show votes. Let's give ourselves the space to work cooperatively across the aisle to reach the level of consensus that I think is important. It is important for this issue, and it is important for this country.

The goal here should be to avoid a partisan bill, not to take failing votes over and over for political gain. It really doesn't get us anywhere. It gets us on record. It allows you to weaponize, if you will, a critically important issue. It doesn't go anywhere. It doesn't serve anyone. It, ultimately, accomplishes nothing. Our only real option here is to figure out how we are working together on this. Our goal should be to match what we did in 2006 when the last reauthorization of the Voting Rights Act passed the Senate 98 to 0.

Wouldn't that be a goal for us all? Wouldn't that send a signal to people across this country—from Alaska to Maine—to have faith in our electoral process, in our elections?

Now, some may be wondering why, as a Republican, I am willing to put my name next to this legislation, pretty publicly, and acknowledge that it is not where I want the bill to be right now. But at this point, I think, if we can step back from the political exercise, I think we can do good. I think we need to do good. I believe that those of us who want to find common ground need to be part of the process. We need to be willing to get in, mix it up, and work it out, instead of sitting back on the sidelines and saying: I just don't like your product, and I am not going to offer anything else. I just don't like your product.

So let's get in the arena. Given my role as vice chairman of the Indian Affairs Committee, I believe that I have an obligation to help resolve some of the longstanding issues that face our Native peoples in Alaska and around the country.

Finally, I believe it is simply dangerous to let voting rights become a wholly partisan issue, where our divisions just fester and take root in an area that is so central to our system of government.

So the vote in front of us today is procedural in nature on whether to open debate. It is not on final passage or anything close to it. There are even things in the substitute text that I, frankly, don't support and others that I have not been able to fully evaluate. But I also recognize that the framework within the John R. Lewis Voting Rights Advancement Act is the most viable that we have, and it is the best starting point at which to legislate. So I will vote to begin this debate in the hopes that this is a step forward, not a step backward, as we are seeking a bipartisan accord.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that Senators HOEVEN, MURRAY, MCCONNELL, and I be able to complete our remarks prior to the scheduled vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, Senator HOEVEN and I are here to speak in favor of the Assistant Secretary of the Army for Civil Works, but I did want to first thank Senator MURKOWSKI for her well-reasoned remarks and for her willingness to go forward with this debate. This is a debate about fundamental voting rights. We may not agree on everything, but she wants to have the debate, and that is all we are asking for.

We are asking to move forward with this very important piece of legislation. If there are things people don't like or things they like, we can discuss them, but this place has got to start working. We need to restore the Senate so we can debate the big issues of our time.

I truly appreciate Senator MURKOWSKI's willingness to do this today with her vote.

NOMINATION OF MICHAEL LEE CONNOR

Madam President, I come to the floor briefly today to support Michael Connor's nomination to serve as Assistant Secretary of the Army for Civil Works.

Senator HOEVEN and I are here together because we both care very much about getting this position filled. All of us have major, major projects in our States that need to be built, and he needs to get in this job. We are hopeful that we will have a vote on this tomorrow.

Michael brings to this position unparalleled experience in water management, and I am not just talking about his professional work but also his upbringing. He grew up on the edge of the desert in New Mexico, and he was raised with a heightened understanding of the importance of water practices. Over the course of his career, he has spent nearly two decades at the Department of the Interior. During that time, he led efforts on water resource management. This experience will be vital as he takes on this new leadership role.

We all know about the importance of the Army Corps of Engineers' Civil Works Program, from supporting navigation on our inland waterways and coastal ports to maintaining reservoirs that supply water to communities, to providing flood protection and risk management.

Senator HOEVEN and I are here together because we care a lot about flood protection. The Red River doesn't divide us between Minnesota and North Dakota; it unites us in our efforts to protect our communities. The Red River of the North has exceeded flood stage 55 times between 1902 and 2019, and the problem has worsened in recent years, with 7 of the top 10 floods occurring during the last 30 years. As we begin to see more and more severe impacts from extreme weather events, water management and resiliency will be increasingly important all over the country.

To build up sustainable water infrastructure that can manage flooding across all 50 States, we need leaders like Michael Connor overseeing the Army Corps. Time and again, he has proven himself to be a dedicated and capable leader.

Michael Walsh, a retired Army major general and former Corps of Engineers Deputy Commanding General for Civil and Emergency Operations, said in an interview that Michael Connor ''has deep experience with water resource issues. He'll bring that experience to the Army.''

I am proud to be supporting him. Again, we are very hopeful that we can have this vote tomorrow.

I want to thank Senator HOEVEN for the work that he has done in making sure we can clear the way for this vote on his side of the aisle.

Senator HOEVEN.

Mr. HOEVEN. Madam President, I thank the senior Senator from Minnesota for her hard work in getting Michael Connor to the floor. I have been very pleased to join with her, and, obviously, we are hopeful that, tomorrow, we will have that vote.

The position of the Assistant Secretary of the Army for Civil Works is critical to every Member of this body. Every State has interactions with the U.S. Army Corps of Engineers, and the Assistant Secretary is the top civilian who oversees the Corps of Engineers. The Assistant Secretary plays a vital role in formulating the Corps' budget, in setting policy and priorities for the Corps, and in ensuring that an incredible array of projects is managed and executed across the Nation.

For example, in my State of North Dakota, we have Corps projects in communities like Minot on flood protection. A number of years ago, we had 11,000 people and 4,000 homes and buildings inundated. Obviously, flood protection is incredibly vital for them,

and we need the Corps working to get that done.

In the Red River Valley of the North, as Senator KLOBUCHAR said so accurately, we are working together for comprehensive flood protection in that region. It is a multibillion-dollar, multi-State project that uses the latest approach of a public-private partnership with a WIFIA loan guarantee. We are doing things in a way that hasn't been done before that can really help us cut into the backlog that the Corps has on these flood projects.

But it takes a lot of work and a lot of creativity to keep that moving forward, and so we need the Assistant Secretary in place to help us do that, and that is why we need to move forward with this confirmation vote.

And as Senator KLOBUCHAR said correctly, Mr. Connor is well qualified for this position. He held the No. 2 position at Interior from 2014 to 2017. He also served as Commissioner of the Interior's Bureau of Reclamation from 2009 to 2014. He worked on Capitol Hill from 2001 to 2009 as counsel to the Senate Energy and Natural Resources Committee.

So he has got the background to do this. He is ready to go. Let's have this vote on confirmation and let's put him to work for the great people of this great country.

And with that, I would defer again to the Senator from Minnesota for any concluding remarks she has, but, again, I want to thank her for working on this in a bipartisan way.

Ms. KLOBUCHAR. With that, I will turn it over to Senator MURRAY.

Thank you very much, Senator HOEVEN.

The PRESIDING OFFICER. The Senator from Washington.

NOMINATION OF RAJESH D. NAYAK

Mrs. MURRAY. Madam President, first of all, I come to the floor to call for the confirmation of Rajesh Nayak to serve as Assistant Secretary of Labor for Policy.

Over the past year and a half, our working families across the country have really struggled through the most unequal economic crisis in recent history.

COVID put a glaring spotlight on many of the problems workers were already facing before this pandemic and has worsened longstanding inequities, making life harder for women, workers of color and workers with disabilities, and others.

If we are going to build back stronger and fairer from this pandemic, then our Federal Agencies must be fully staffed with highly qualified people who will help us tackle the many challenges hurting workers, retirees, and their families.

Mr. Nayak already has an impressive track record of doing just that. Mr. Nayak served as a senior adviser to Secretary Walsh at the Department, and also previously served in the Solicitor's office as Deputy Assistant Secretary for Policy and Deputy Chief of Staff. In those roles, he has worked on a broad portfolio of issues important to workers across the country, including workforce development, worker protection, counter-trafficking, overtime pay, health and safety, retirement security, and more.

He has also worked twice at the National Employment Law Project, including most recently as deputy CEO. As an advocate and a policymaker, he has shown time and again his commitment to empowering workers, supporting families, and advancing equity. And I have no doubt that, if confirmed as Assistant Secretary of Labor for Policy, he will continue working in the best interests of workers and their families, and I urge all of my colleagues to join me in voting in support of his nomination.

JOHN LEWIS VOTING RIGHTS ADVANCEMENT ACT

Madam President, I also rise today before this really crucial vote because I want to make it clear that Democrats are not done on the issue of voting rights.

First of all, I want to thank my colleague, Senator MURKOWSKI, from Alaska, whose remarks we should all listen to because we do have some who are repeatedly preventing us from even debating voting rights legislation; most recently the Freedom to Vote Act.

I want everybody to know we are not done fighting to ensure that every person in this country has equal and fair access to the ballot. We are not done because the cause we are fighting for here today is a just one and Americans want to see us protect their right to vote, and the John Lewis Voting Rights Advancement Act does exactly that.

This bill will restore and strengthen the 1965 Voting Rights Act, which is one of the most important bills in our Nation's history. It was a bipartisan rejection of racist attempts by States to deny the ballot to people of color, and it came after years of dedicated work by activists and lawmakers, including the late, honorable Congressman Lewis, who were and are intent on ensuring our country followed through on our Nation's most fundamental promise to its citizens: the promise that every United States citizen has an equal voice in our elections.

For most of the decades following its passage, the provisions in the 1965 Voting Rights Act have enjoyed bipartisan support. But in recent years, the power and protections of this crucial law have been gutted, and far-right legislators in States across our country are now passing laws that make it harder for communities of color to vote, all based on baseless claims about voter fraud and rigged elections.

It is shameful and it really is antidemocratic, and it should be bigger than partisan politics. We should be able to come together on a bipartisan basis to pass a Federal prohibition on laws that restrict the right to vote based on race. Protecting each citizen's right to have a voice in our democracy should be as noncontroversial as naming post offices, because the right to vote is the cornerstone of our democracy, and attempts to weaken it weaken the foundation that we all depend on.

Those are the stakes here: the foundation and future of our democracy.

Without equal access to the ballot, how will people tell us what they want to see on most challenging questions of our time, like climate or healthcare or education or so much more?

So even if many of my Republican colleagues disagree with me about the provisions included in this bill, they should at least allow us to move forward on a debate. If they have good-faith ideas how to protect every American's voice in our democracy, we are all ears. But we will need more than one or two Republicans in order to be able to have that debate on the floor and offer amendments.

And if we can't get there, I think we need to be clear. As Congressman Lewis said: ''Nothing can stop the power of a committed and determined people to make a difference in our society.''

To the people of my home State of Washington and to the country: My Democratic colleagues and I are committed and determined to pass strong voting rights legislation.

And we can't keep bringing these bills to the floor only for Republicans to block even a debate. We need to use every legislative tool needed to get the John Lewis Voting Rights Advancement Act to President Biden's desk. Whatever we have got to do to pass voting rights, if it means an exemption to the filibuster, then I believe we should do it. This cannot wait.

Passing strong Federal voting rights protections into law will be the most important work this Congress does. We cannot let a Senate procedure stop us from protecting the right to vote in the United States of America.

Let's make sure our democracy stays a democracy, and let's pass the John Lewis Voting Rights Advancement Act, whatever it takes.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. This has become an almost weekly routine—my friends on the other side trying to give Washington unprecedented power over how Americans cast their vote.

We don't have time to do the NDAA or an appropriations process, but we always have time for a few more of these stunts. In many of these bills, congressional Democrats propose to make themselves into a national board of elections.

Today, there is a small difference. They want, instead, to hand that power to Attorney General Merrick Garland; different branch of government, same bad idea.

I just want to add one observation from last night. Governors' races and State legislative seats weren't the only

things on the ballot last night. Yesterday, the deep blue State of New York—New York, the home of the Senate majority leader—had two of America's signature proposals for weaker elections actually on the ballot as ballot measures. Citizens got to vote directly on whether to open the door to two changes that the politicians wanted: same-day registration and no-excuse absentee voting, on the ballot in New York yesterday.

And as of the latest tally a few minutes ago, both proposals were losing. They currently are both losing about 60/40. Even in deep blue New York, citizens appear to be rejecting the Democrats' demands for weaker elections.

So I think there is only one question left: Where will the Mets and Yankees end up now?

Surely Major League Baseball can't let them stay in New York after this.

I urge a no vote.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CLOTURE MOTION

The VICE PRESIDENT. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 143, S. 4, a bill to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

Charles E. Schumer, Patrick J. Leahy, Sheldon Whitehouse, Thomas R. Carper, Richard J. Durbin, Catherine Cortez Masto, Margaret Wood Hassan, Raphael Warnock, Gary C. Peters, Patty Murray, Kirsten E. Gillibrand, Jacky Rosen, Elizabeth Warren, Benjamin L. Cardin, Tina Smith, Alex Padilla, Amy Klobuchar.

The VICE PRESIDENT. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 4, a bill to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

(Ms. ROSEN assumed the Chair.)

(Ms. BALDWIN assumed the Chair.)

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 459 Ex.]

YEAS—50

Baldwin	Hickenlooper	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Rosen
Booker	Kelly	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Hassan	Ossoff	Wyden
Heinrich	Padilla	

NAYS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rubio
Boozman	Hawley	Sasse
Braun	Hoeven	Schumer
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Paul	
Fischer	Portman	

NOT VOTING—1

Rounds

Mr. SCHUMER. I vote no.

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 49.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The motion was rejected.

MOTION TO RECONSIDER

Mr. SCHUMER. Madam President, I enter a motion to reconsider the failed cloture vote.

The VICE PRESIDENT. The motion is entered.

MOTION TO DISCHARGE

Mr. SCHUMER. Madam President, pursuant to S. Res. 27, the Committee on the Judiciary being tied on the question of reporting, I move to discharge the Committee on the Judiciary from further consideration of Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit.

The VICE PRESIDENT. Under the provisions of S. Res. 27, there will now be up to 4 hours of debate on the motion, equally divided between the two leaders, or their designees, with no motions, points of order, or amendments in order.

Mr. SCHUMER. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. SCHUMER. Madam President, for the information of the Senate, we expect to vote to discharge the nomination to occur following the votes that are scheduled to begin at 5:15 tonight. Therefore, Senators should expect three rollcall votes at 5:15 p.m. These votes will be on the confirmation of the Prieto and Nayak nominations and on the motion to discharge the Sung nomination.

JOHN LEWIS VOTING RIGHTS ADVANCEMENT ACT

Madam President, in reference to what just occurred on the floor in terms of voting rights, this is a low, low point in the history of this body. A few moments ago, Senate Republicans, for the fourth time this year, were presented with a simple question: Will they vote in favor of starting debate—merely a debate—on protecting voting rights in this country?

In today's case, they would join Democrats in proceeding to the John Lewis Voting Rights Advancement Act, which would reinstate longstanding and widely embraced Federal protections on the right to vote.

With just one exception, Republicans once again obstructed the Senate from beginning its process. Given the chance to debate in what is supposed to be the world's greatest deliberative body, Republicans walked away.

Today's obstruction was only the latest in a series of disturbing turns for the Republican Party. For over a half a century, the policies of the Voting Rights Act have commanded bipartisan support in this Chamber. It has been reauthorized five times, including by Presidents Nixon, Reagan, and Bush. Many of my Republican colleagues in office today have worked in the past to improve and approve preclearance provisions similar to the ones contained in today's proposal.

It was good enough for Republicans back then; it should have been good enough for them today. But after today's vote, it is clear that the modern Republican Party has turned its back on protecting voting rights. The party of Lincoln is becoming the party of the Big Lie.

Democrats have laid out the facts for months: we are witnessing at the State level the greatest assault on voting rights since the era of segregation. Before our very eyes, the heirs of Jim Crow are weakening the foundations of our democracy.

And by blocking debate today, Senate Republicans are implicitly endorsing these partisan actions to suppress the vote and unravel our democracy.

We have said all year long that if there is anything worth the Senate's attention, it is protecting our democracy. We have tried for months to get Republicans to agree. We have lobbied Republicans privately. We have gone through regular order. We have attempted to debate them on the floor.

We have presented reasonable, commonsense proposals in June, August, October, and now in November. Each

time, I personally promised my Republican colleagues they would have ample opportunities to voice their concerns, offer germane amendments, and make changes to our proposal.

At no point did we ever ask them to vote for our legislation. We have simply been trying to get our Republican friends to start debating, just as the Senate was intended to do.

On the floor, off the floor, we held public hearings, group discussions with Senators and one-on-one meetings with the other side to try and win some support. Senators MANCHIN, KAINE, TESTER, KING, DURBIN, KLOBUCHAR, LEAHY, and more have all met with Republicans to initiate a dialogue. And at every turn, we have been met with resistance.

The sole exception in 10 months has been our colleague, the Senator from Alaska, who voted in favor of advancing today's legislation. Today, I thank her for working with us in good faith on this bill.

But where is the rest of the party of Lincoln? Down to the last Member, the rest of the Republican conference has refused to engage, refused to debate, and even refused to acknowledge that our country faces a serious threat to democracy.

Madam President, the Senate is better than this. A simple look at our history shows we are better than this. The same institution that passed civil rights legislation, the New Deal, the Great Society, and the bills of Reconstruction should be more than capable of defending voting rights in the modern era.

But, as anyone who has been here more than a few years knows, the gears of the Senate have ossified over the years. The filibuster is used far more today than ever before—by some measures, 10 times as much compared to decades past. Some might wonder if any of the great accomplishments of the past would have a chance of passage today. Would the Social Security Act pass the modern Senate? What about the Medicare and Medicaid acts? What about the Civil Rights Act of 1964? We sure hope they would, but it is difficult to see with the way this Chamber works today.

As I said a few weeks ago, I believe the Senate needs to be restored to its rightful status as the world's greatest deliberative body. It has earned that title precisely because, yes, debate is the central feature of this body, but at the end of the day, so is governing, and so is taking action when needed once the debate has run its due course.

This is an old, old fight in this Chamber. Over 100 years ago, the great Senator of Massachusetts, Henry Cabot Lodge, said: ''To vote without debating is perilous, but to debate and never vote is imbecile.'' Imbecile. ''To vote without debating is perilous, but to debate and never vote is imbecile.'' We should heed those words today and explore whatever path we have to restore the Senate so it does what its Framers intended: debate, deliberate, compromise, and vote.

We can't be satisfied in this Chamber with thinking that democracy will always win out in the end if we aren't willing to put in the work to defend it. It will require constant vigilance to keep democracy alive in the 21st century.

Madam President, just because Republicans will not join us doesn't mean Democrats will stop fighting. This is too important. We will continue to fight for voting rights and find an alternative path forward, even if it means going at it alone, to defend the most fundamental liberty we have as citizens.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The junior Senator from Wyoming.

Ms. LUMMIS. Madam President, I am joining my colleagues today to highlight the real harm that the President's overreaching vaccine mandates are causing the people of Wyoming and the United States.

While I am vaccinated and support others making the decision to get the COVID–19 vaccine to protect themselves, I am very concerned about unacceptable actions by the executive branch to force Americans to get the vaccine. Frankly, I cannot stay silent about these blatant violations of personal freedom.

Over the last several months, the President has signed numerous Executive orders mandating vaccines for Federal workers, contractors, and employers with over 100 workers. This is unacceptable. These mandates are far-reaching and burdensome.

Additionally, these mandates will not achieve the desired results of stopping the spread of COVID–19. Instead, they will only further politicalize healthcare choices, sow greater discord across the Nation, and exacerbate our employment crisis. I worry they will also further harm our supply chain issues. All of these should concern every American, particularly with the holiday season rapidly approaching. Consumers are going to face empty shelves in stores, and for what is available, prices will continue to rise.

In the freight industry, these mandates could mean that up to one-third of employees will be leaving their jobs. On Monday, POLITICO noted that several trucking companies are looking to end their work with the Federal Government as the vaccine mandate deadlines loom closer. This doesn't only impact the shipping industry but also our defense and law enforcement sectors as well. Former Deputy Under Secretary for Industrial Policy William Greenwalt noted that ''even a couple of welders or engineers who walk off their jobs on a highly classified program could wreak havoc with our national security.''

Meanwhile, it is more than a couple of individuals who are looking at leaving. Defense contractor Raytheon says they expect to lose thousands of employees when the mandate goes into effect.

Finally, I would like to give an example of how this is impacting my home State of Wyoming. Across the Nation, we are facing nursing shortages, but in Wyoming, it is becoming critical. I have heard over and over again from my hospitals, clinics, and nursing homes that they just don't have the staff. Many have left the field, whether due to the strain of COVID–19 or because they believe they can find better work as traveling nurses. This has left our healthcare community shortstaffed.

If we lose additional nurses from these vaccine mandates, my State is looking at losing healthcare capabilities. This means turning away patients and potentially closing nursing homes. These patients, at the end of their lives, frequently have nowhere else to go. If there is no one else to care for them, the healthcare system will be at the end of its rope trying to find ways to care for these patients.

For these reasons, I cannot support these mandates, nor should anyone else. Knowing the damage these mandates will cause, the President must immediately rescind these Executive orders and find a better way to keep our Nation safe.

The PRESIDING OFFICER. The junior Senator from Indiana.

Mr. BRAUN. We are here today because of the vaccine mandate. When I got back home over the break, I never had so many friends and fellow business owners who actually made it a point to find me and tell me that this can't be happening.

With the full navigation that we have taken through COVID, I have always been clear: Take it seriously. We don't know how this is going to end up.

It has been over a year and a half. The point back in Indiana is that most businesses, schools, all organizations have put protocols in place to where it has not been an issue. It has been a nonissue of, really, transmissions within the workplace.

We finally get through it, we found the rhythm of what works, and now you have a mandate that says: Hey, Federal employees, Federal contractors—they contacted me too. Some think they will lose 10 to 25 percent of their workforce. Businesses are in the same place.

When you look at what we have done, where we are, it just does not make sense. That is why I am leading the Congressional Review Act effort to try to get all Senators on my side—some on the other side of the aisle—to say: Hey, we don't need it. Enough is enough.

Look at the practical reasons because businesses and other organizations have tried and they have been successful at keeping their employees and their customers safe and healthy. This is coming at a point in time where it is going to be salt in the wound. It

will be the biggest wallop these entities have had, especially when we have been paying them to keep their employees, up to 500 employees. Now we are going to force them to lose them en masse down to 100. It doesn't make sense. That is why I am glad I am leading the effort and glad other Senators are here talking about it.

Please pull back on something that is beyond the pale, that we don't need, and that is going to hurt the places we have been trying to help.

I yield to the Senator from Florida.

The PRESIDING OFFICER. The junior Senator from Florida.

Mr. SCOTT of Florida. Madam President, in December, President Biden promised he would not require Americans to be vaccinated or require that they carry vaccine passports. Less than 10 months into his Presidency, I think he must have forgotten what he said, breaking promise after promise and going back on his word. How can the American people believe anything he says?

Americans are sick and tired of the government telling them what to do and are more than capable of making the right choices to protect themselves, their families, and their neighbors. But now, because King Biden has gone back on his word or forgotten what he said, millions of Americans are facing an ultimatum: Get the vaccine or lose your job. For companies, it is either make your employees get the jab or lose your Federal contract.

This is a complete overreach of power. Biden wants to control our lives and make the government be the authority in every area of your life. Nowhere in the Constitution does it say that Biden has this power—nowhere.

Listen, I had COVID. I am grateful that I was able to get vaccinated. I hope that all Americans talk with their doctors and consider making the same decision. It is a personal decision every individual gets to make, but that is not how President Biden sees it. That is why I introduced multiple pieces of legislation to push back on these unconstitutional vaccine mandates.

I have introduced the Freedom to Fly Act to prohibit the TSA from requiring Americans to show proof of vaccine or produce a vaccine passport and protect the privacy of American families. I don't believe that the Federal Government has any business requiring travelers to turn over their personal medical information to catch a flight.

I introduced the Stop Mandating Additional Requirements for Travel Act to prohibit the feds from requiring Americans to wear masks on public transportation like Amtrak or on airplanes.

I also introduced the Prevent Unconstitutional Vaccine Mandates for Interstate Commerce Act, which would prevent Federal Agencies like the Department of Transportation from requiring proof of vaccination for companies trying to do business across State lines.

Last month, I introduced legislation to prevent vaccine mandates from being tied to a few of our Federal assistance programs, like Medicare, Social Security, food stamps, and public housing. I hoped everyone in this Chamber would have agreed that we shouldn't force struggling American families to choose between Social Security disability checks and a personal health decision.

Most Americans would be shocked if a politician said it is acceptable to deny someone health insurance or food stamps simply because of their vaccine status. Sadly, Madam President, this is exactly what happened on this floor last month. All I did was request that Americans, regardless of vaccine status, should be able to access a few of our most essential government programs. My Democratic colleagues disagreed every time. The Democratic Party leaves no room for disagreement. They leave no room for compromise. I think it is shameful.

But unlike Joe Biden and Democrats in Washington, I don't believe that government knows better than the American people. My parents didn't have much of a formal education, but they worked hard and made the choices they felt were right for the health and well-being of our family.

As Biden tries to control the lives of every American family, our economy is suffering. Inflation is already skyrocketing, and these vaccine mandates are going to add to it.

Only weeks ago, the Federal Reserve published its latest Beige Book report. In the report, the Fed found that vaccine mandates were widely cited by businesses as a reason for low labor supply and hiring and retention issues. The Federal Reserve admitted what I have been warning about for weeks: Joe Biden's unconstitutional vaccine mandates are causing higher turnover, driving Americans out of their jobs, and further fueling the devastating supply chain and inflation crisis plaguing American families.

When I think about the impact of vaccine mandates, I think about my dad. My dad was a truckdriver. Anyone who has driven trucks or has been close to someone in that line of work knows how demanding the job can be. There is already a driver shortage in this country, and we can't afford to lose any more due to unconstitutional vaccine mandates.

Consider first responders. Dozens of Massachusetts State troopers are threatening to resign over vaccine mandates. Los Angeles County could lose up to 10 percent of its police force. Chicago may see up to 50 percent of its police refusing to comply with vaccine mandates. Seattle is preparing for a mass exodus of officers in the coming weeks due to people who are quitting over vaccine mandates.

For the past several months, we have been seeing rises in violent crime and problems in retaining police officers. We should not add to that ongoing problem by forcing police officers to choose between their jobs and taking a vaccine.

I have called on Secretary Raimondo and Secretary Buttigieg to come before the Commerce, Science, and Transportation Committee to explain what they are doing to prevent U.S. supply chains from completely crumbling under Biden's failed policies and mandates. Sadly, I haven't heard a word from them, but I do see them on TV all the time. These people love to get on CNN and be commentators. That is not their job. Their job isn't to just point out a problem; their job is to fix it.

Now, we have all seen the disruption that this virus has caused. Many of us know someone who has fallen extremely ill or who has died because of COVID. That is why I am very appreciative of all of those who have worked so hard to develop the vaccine. But I am 100 percent against these unconstitutional mandates.

Being vaccinated is a decision every American gets to make for himself. It is an authoritarian overreach by King Biden to threaten people with job loss unless they get the vaccine. Think about it. Why on Earth would a President do something they know is going to cost someone their job?

Our job within government is to provide people with good information so they can make informed decisions and help create jobs, not kill them. But we are seeing that everything Joe Biden does makes things worse for families and businesses in Florida and across our great country. It is time he rescinds his proposed unconstitutional vaccine mandate.

I yield the floor to my colleague from Tennessee.

Mrs. BLACKBURN. I thank the Senator from Florida.

Madam President, I ask unanimous consent to enter into a colloquy with my friend Senator MARSHALL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BLACKBURN. Madam President, it is no secret that President Biden's COVID–19 vaccine mandates have drawn major opposition here in the Senate. My Republican colleagues and I have introduced multiple pieces of legislation that chip away at the various impractical, unethical, and downright unconstitutional aspects of this latest power grab.

Last week, I introduced the Keeping our COVID–19 Heroes Employed Act, which would pull essential workers out from under these mandates and stop the White House from unilaterally firing them for refusing to submit to a shot. Think about how ludicrous that is. This, of course, is the heart of the issue.

These pieces of legislation are not anti-vaccine. In fact, our opposition isn't about vaccines at all. I have been vaccinated, and I encourage people to talk to their physicians. This is all about the precedent the Biden administration is trying to set; namely, that it

is acceptable for the Federal Government to stand between a patient and their doctor and to overrule science and personal choice in the name of their personal political agenda.

I think my colleague Senator MARSHALL knows a thing or two about preserving the importance of that doctor-patient relationship.

Is that correct, Senator?

Mr. MARSHALL. It is, indeed. Thank you so much, the senior Senator from Tennessee, for asking me about something so near and dear to my heart—the patient-physician relationship.

I just want to start my remarks by saying that I support the vaccine. I support the vaccine, but I also support an individual's right to decide whether he wants the vaccine or not. That is why I think it is so important to have this patient-physician relationship.

I had the duty and the honor to treat thousands of women with a virus. I learned very quickly that the same virus could cause different problems for different patients, and it was based on their previous medical histories and their underlying medical problems as to what my advice might be.

What my concern today is, is that so many of these heroes of yesterday, the COVID–19 heroes of yesterday, are now being treated so poorly. They are being told to get the jab or else lose their jobs. This mandate is going to lead to unemployment. It is going to lead to more inflation and further disrupt our supply chain. I just wish I could paint a face of all of these people from Kansas who are reaching out to me, saying: Please don't make me make this choice between the jab or my job.

I think of the nurses whom I worked with in Liberal, KS, when the ICU was overflowing. I think of the nuclear engineer folks and the union workers at Wolf Creek Nuclear energy who kept our electricity on. I think of those union workers who work for the Department of Defense contracts in the aerospace industry, and now they are being kicked in the face. They are being told that they are no longer essential, that they are no longer heroes.

Senator BLACKBURN, I am supposing there are heroes in Tennessee who are now being forgotten as well.

Mrs. BLACKBURN. Yes, indeed. You are correct, Senator MARSHALL.

As I have said before, Tennessee is a supply chain and logistic State: shipping, transportation, manufacturing. These are things that help form the backbone of our economy, and those industries employ thousands upon thousands of people in our State.

I will tell you, these thousands of people are speaking up, just as you have said they are speaking up in Kansas. Every day, I hear from people who see what is happening on the ground, from small business owners to truckdrivers, and they are sounding the alarm bells. They know that Joe Biden's mandate will destroy their industries. They are just not asking for carve-outs; what they are saying is, give us a plan A, a plan B, a plan C; give us options.

Senator MARSHALL, I believe you have taken a different approach to pushing back on some of these mandates.

Mr. MARSHALL. Well, thank you Senator. Indeed, there are more options out there. There are, indeed, more tools in the tool shed that we can use. We plan to oppose any efforts to enforce Joe Biden's vaccine mandate with all the other tools at our disposal, including blocking cloture on any continuing resolution in the absence of language protecting Americans from the mandates. In fact, 50 GOP Senators recently supported this as an amendment to the CR in September.

Senator BLACKBURN, I know that you also would be concerned about using any type of future funding to enforce this unconstitutional mandate.

Mrs. BLACKBURN. Yes, indeed, Senator. I am very concerned.

The Biden administration has, indeed, weaponized the U.S. Government against workers who love their jobs, against workers who are trying to earn a living and support their families. We have to stand up and defend them. Think about it. The Biden administration is using taxpayer dollars to implement a program designed to fire the very people we need to repair our supply chains, to bring manufacturing plants back online, and to keep the public safe.

Yes, our law enforcement officers are very concerned about this, but don't take my word for it. Ask some of these law enforcement unions. Ask the Fraternal Order of Police, the National Sheriffs' Association, and the National Border Patrol Council what will happen if these mandates force them to fire their unvaccinated agents and officers. They are waving red flags right now because these mandates aren't just impractical and unethical; they are dangerous. They will take these men and women off the frontlines and send them to the unemployment line and make us vulnerable.

Am I correct on this point, Senator MARSHALL?

Mr. MARSHALL. Senator BLACKBURN, absolutely. I can't agree with you more.

One of the big concerns I have is of our safety as well as our national security. I know that both Tennessee and Kansas have Army and National Guard units, and I have been told that perhaps half of the enlisted soldiers have not had their vaccines yet, and I encourage them to do that. But if they get separated from the military, it is going to leave a huge hole in our national security.

I am also concerned about those Active-Duty soldiers who are now being separated from the military as well for refusing the vaccine, and I am concerned about what is going to happen to their records going forward. I was so discouraged when I found out the White House suggested these soldiers get a dishonorable discharge.

In case you don't know what a ''dishonorable discharge'' means, you could be treated like a felon. You lose your VA benefits, and you may lose some of your Second Amendment rights and some of your voting rights as well.

Certainly, again, there is the impact on national security in losing thousands of our soldiers.

Senator BLACKBURN, I am sure that you have so many people who are reaching out to you of the COVID–19 heroes of Tennessee. I appreciate your bringing this bill to the floor, and I am so happy and honored to support it.

Mrs. BLACKBURN. Thank you, Senator.

I am appreciative to the Senator from Kansas and to all of my colleagues who have joined me on the floor today to fight this dangerous precedent set by these mandates.

I think it is so vitally important for my colleagues on the other side of the aisle to understand that the American people are not interested in playing chicken with Joe Biden—not at all. This isn't contrarian politics to them; this is a line in the sand between a power-hungry President who wants to strip them of their fundamental rights and get them fired from their jobs.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Alabama.

Mr. TUBERVILLE. Madam President, during the recent Senate Armed Services Committee hearing, I asked the Secretary of Defense what I thought was a simple question: As the leader of the Department of Defense, was he against dishonorable discharges for members of the military who decided not to get the COVID vaccine. He hemmed and hawed around, but he never answered my question. But, to me, it is simple. The answer should be that we will not dishonorably discharge those who serve honorably.

Our country is defended by the bravest men and women in the world. All raised their hands and pledged their lives to defend our Nation and our way of life. Our servicemembers stand watch while we go to work, while we spend time with our families, and while we enjoy freedoms they vow to protect.

When COVID broke out, our military was there for America. Military members were mobilized in all 50 States to serve as nurses and doctors at hospitals. They drove ambulances and set up food banks. They delivered critical supplies. They worked to keep order. But how does the President thank them for their service? With a dishonorable discharge for deciding not to take the vaccine. That is ridiculous.

Receiving a dishonorable discharge means they will lose all of their veterans' benefits and their pensions. In some States, it is on par with having a felony conviction. That means they lose their ability to vote or to carry a gun, not to mention what it does to their ability to find a new job. A dishonorable discharge is and should continue to be handed down for only the

most reprehensible conduct in the military.

Now, I am for the vaccine. I have taken it, and my family has taken it, and I continue to encourage others to talk about it and talk to their doctors about it. I also respect the chain of command. I know how important it is for soldiers to follow orders. But this vaccine is still new, and I am sure the Department of Defense can look at other ways to manage our force rather than to put a stain on the reputations of the men and women who wanted to serve and have served their country, which brings me to another point about the impact of the Biden administration's vaccine mandates.

When President Biden made his sweeping vaccine mandates, he did so with the hubris or excessive confidence that Americans would just support the policy simply because it was his competent administration that implemented them, but the mandates are shortsighted, they are ill-conceived, and they threaten our national security. Here is how.

First, it creates a false choice for our defense contractors. They are forced to choose between coming to their job and working to support our military or taking a new vaccine that they don't want. Their decision should be between their doctor and their patient.

Second, it puts the important and critical performance of our defensive industry in jeopardy. Alabama alone is home to 5,000 defense contractors. When these firms are unable to perform, our country is at risk.

Third, the guidance for compliance is changed with little or no warning. This moving of regulatory goalposts creates uncertainty and drives up compliance costs, especially for smaller firms that lack large HR departments.

So last week, I called on the Senate Armed Services Committee Chairman JACK REED to schedule a hearing on this issue. I want to hear straight from the small business owners who are struggling to figure out how to comply. We need to know just how disruptions in their ability to complete their work may impact the defense supply chain.

I also want to hear from expert witnesses within the Department of Defense. We need to have a full picture of the current state of vaccine compliance.

If the Senate were to take action on a solution, it is critical that we have all the facts.

I also sent a letter to the President, urging him to reverse course on his Federal contractor mandate.

On Monday, the White House backed down from their arbitrary deadline of December 8, with the announcement of new flexibilities in their guidance. While this step is in the right direction, they haven't gone far enough.

The vaccine mandate is still a compliance burden on small contractors, no matter how flexible the White House tries to make them.

Our workforce still will be unnecessarily impacted and our national security will still be at risk.

So I would encourage the White House to focus on protecting Americans' liberties while pursuing a holistic strategy to combat COVID.

It is time that President Biden recognizes that mandates are not the answer; frank conversations between doctors and patients are the answer.

I yield the floor.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Utah.

Mr. LEE. Mr. President, the United States is facing economic challenges that we haven't experienced in this country for decades. The supply chain crunch is leading to backlogged ports, and that, in turn, is spilling over into empty shelves. Inflation is exacting a punishing toll on American families; on their budgets, on their quality of life.

And it is not the well-off families that are being most harmed by it, no. It is those who are least prepared to endure that. It is America's poor and middle class; those who are working hard to survive from day to day, trying to reach that American dream, trying to ascend the economic ladder that the American dream has long enabled.

Now, each of these problems, in its own right, would be a really serious and vexing primary concern for most people and most businesses, even during normal economic times. But these are far from normal economic times.

In fact, when businesses are polled, their primary concern isn't about any of these things. It is the labor shortage. Businesses are struggling to find workers. The Joint Economic Committee Republicans released a report recently explaining that Americans have lost many vital connections to work. Government policies and social pressures are leading to a lower labor force participation rate than at any time in decades.

This trend is worrying not only because work helps Americans put food on the table—and it does, and it is necessary to do that—but also because work often provides a sense of accomplishment and belonging and self-worth. Work is a social good in its own right.

But businesses across the country are struggling to find workers, and that is leading to more of these same problems, leading to higher prices on things that people need to buy. All this is making everything else more complicated, more difficult for America's poor and middle class.

I have spoken to businessowners in Utah, who are closing their doors for days each week because they can't find workers. Some businesses are offering extremely generous salaries and signing bonuses for those who are willing to work. Nonetheless, they are still struggling to find employees.

Now, work is often the primary connection Americans have with peers. Work provides a sense of involvement, taxpayer responsibility, and community with others. Work is also the way we get things done. It is how we manufacture, farm, mine, and build. Work is a requisite for prosperity at any level, in any form.

Unfortunately, President Biden is making work more difficult and less enticing, increasingly less possible. Raising taxes on Americans gives them less incentive to work, and as the Penn Wharton Budget Model shows, the Democrats' trimmed-down plan would cost almost $4 trillion over 10 years and cost American taxpayers $1.5 trillion in new taxes.

Through his unconstitutional and sweeping vaccine mandate, President Biden is forcing countless American workers out of a job and preventing others from joining or rejoining the workforce. This is far from a mere abstract constitutional transgression. This is a constitutional violation that goes far beyond the text of a document that extends deeply into the lives of the American people, especially the poor and the middle class.

I have now heard from over 300 Utahans who are at risk of losing their livelihoods due to this mandate. Their stories are gut-wrenching. Their stories are tragic. Their stories remind me of how indefensible and inexcusable and immoral this vaccine mandate truly is.

These are ordinary, everyday, hard-working Americans who all too often are just trying to make ends meet, put food on the table, provide for their families, and otherwise get by.

Many of them have legitimate medical, moral, or religious objections. Many of them work for employers who have no desire to implement the mandate and who themselves are worried about their ability to keep their businesses open.

Now, I have heard from a number of Utah businesses whose management and ownership have expressed these exact same feelings, and I have heard from Utah workers who have expressed these feelings over and over and over again. Let me tell you about a few people I have heard from who have described this awful situation.

Now, one Utah business in the high-tech space has expressed concern about losing valuable employees due to the mandate. The business that I am referring to at the moment has implemented policies to encourage vaccination and recognizes, of course, the value that vaccination can bring to the workforce. Nonetheless, the businessowners are uncomfortable with making these decisions for their employees.

The business's management said: ''We feel strongly that it is not the government's right to require vaccination.''

They are absolutely right.

A growing Utah food manufacturer with 350 employees is very worried about the mandate's impact on that company's ability to keep product moving. This business plays an important role in food supply chains in Utah, throughout the Western United States, and throughout the country.

Leaders of this business said: ''This mandate is government overreach, is outside the scope and purpose of OSHA, and will have dire consequences on our company and our economy in this extremely tight labor market.''

They know that some of their workforce would quit if the mandate were enforced.

Another Utah business is similarly worried. This larger operation's leadership said: ''We are in a difficult labor situation. It is a daily struggle to be fully staffed and produce the products our customers expect. Some of our employees have stated they will quit if forced to be vaccinated. Any disruption in our labor force will be critical to our operations, and a disruption in our labor force not only means some of our customers may not receive product they expect, it may mean local, time-sensitive supply would not get processed. That disruption would be devastating.''

Now, it is important here that I not be misunderstood. I am against the mandate, but I support the vaccine. I have been vaccinated. I have encouraged others to be vaccinated. These vaccines are helping countless people avoid the harms associated with COVID–19. But this mandate is already doing serious harm to our economy and to people who want the right, the basic human right, to make their own medical decisions.

That is why I, along with my colleague, the Senator from Kansas, Dr. MARSHALL—Senator MARSHALL and I have sent a letter directly to the majority leader, Senator SCHUMER. We have advised him, months before the current spending period ends in December, that we will oppose any funding legislation that enables the enforcement of President Biden's employer vaccine mandate.

It is essential to remember here that Congress, the branch of government most accountable to the people at the most regular intervals, this is where the Constitution places the power of the purse. This is where the Constitution places the power to pass legislation. Congress, not the President, has the authority to decide how Federal funds are spent.

Now, we believe our funds would be misspent in this way or any endeavor that would harm Utahans and Kansans and all Americans, would worsen our difficult economic situation, or would take away fundamental medical freedoms.

This now marks the thirteenth day that I have come to the Senate floor to oppose the mandate. I am going to continue to do so for as long as it takes to beat the mandate. I encourage all of my colleagues to join me in this effort.

And when I say that, I want to be clear. I am not speaking to one side of the aisle or the other. I invite all to join me in this cause. Why? Well, because Americans overwhelmingly—regardless of whether they live in a red State or a blue State or a purple State, Americans overwhelmingly oppose this mandate.

According to a poll recently reported on in Axios—hardly a rightwing publication—revealed that 14 percent—just 14 percent—of Americans believe that the response to someone not receiving the vaccine should involve them losing their job.

Just 14 percent of Americans agree with President Biden that you should have to choose between keeping your job and getting a vaccine that might go against your religious beliefs or that might worsen a preexisting medical condition that has caused your doctor to advise you to be cautious in getting the vaccine.

These decisions are not those of the President of the United States to make. You see, he doesn't have that power. My copy of the Constitution says that the power to make law rests in this branch of government, the legislative branch, the Congress. And my copy of the Constitution says that he can't make law, which he essentially did when he purported to have and purported to plan to exercise the power unilaterally, acting alone, to require every worker at every employer that has more than 100 employees—more than 99 employees to get the vaccine or be fired.

This isn't right. Deep down, the American people know it isn't right. Deep down they know that this is not a partisan issue. This is an unabashed power grab by the President of the United States. It is not one that is of the sort that the American people will accept kindly.

I have said before, I am not sure I can think of a more egregious example of a President exercising power that is not his own in many decades.

This is, in some ways, reminiscent of President Harry Truman's decision to seize every steel mill in America in order to make sure that the output could be dedicated to the Korean war effort. The American people didn't smile upon that one. Neither did the Supreme Court of the United States, which, within weeks of President Truman's action on April 8, 1952, decided that he didn't have that authority.

Some may ask: Well, if it is so unconstitutional here, why hasn't the Supreme Court acted?

I will tell you why. Because President Biden hasn't had the basic decency to issue an order explaining a basis for his authority and providing a basis for someone to challenge the legitimacy of his authority to order every business with more than 99 employees—to force its entire workforce to get vaccinated. He hasn't had the decency to do that.

Consequently, no one can sue yet. Consequently, employers everywhere with more than 99 employees are forced to guess as to what it would look like. And in the meantime, their lawyers with good reason and their risk management departments and their human resources departments are understandably saying: We don't want to get caught flatfooted, especially because we have been threatened as employers with $70,000 per day, per person, mounting civil monetary penalties.

This would be crippling to any business.

So what are they doing?

Well, they are getting ahead of it. They are guessing as to what the most extreme version of the OSHA mandate might look like, and then they are exceeding that. And they are already in the process of threatening termination and, in some ways, in some cases, imposing it.

In many cases, they are not even having the decency to fire them. They are, instead, putting them on unpaid administrative leave. This is especially cruel because it renders them completely ineligible for unemployment.

So, Mr. President, I ask you: Is this moral? Is this just?

Setting aside for a moment the question of whether this is constitutional—and I assure you, unequivocally, it is not. But even setting aside that question, is it moral? Is it proper? Is it acceptable to do this to America's poor and middle class?

It is not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to thank Senator LANKFORD for letting me take 3 minutes to honor an Iowan who recently passed away, a former Member of the House of Representatives. And I think there is only one other United States Senator who would know who I am talking about, and this would be Senator SCHUMER, who served with this former Member of Congress from 1981 to 1995.

REMEMBERING NEAL SMITH

Mr. President, I would like to take a moment to pay tribute to former Iowa Congressman Neal Smith, who passed away yesterday at the age of 101.

He was a true public servant. He entered public life for the right reasons and had no interest in self-promotion. He cared about Iowa and tried to do his best for our State, and he did.

Neal Smith was a humble but impressive man. He was a decorated bomber pilot in World War II. After attending Drake University Law School with his wife, Bea, and opening a practice with her, he became active in local government.

In 1958, Neal Smith was elected to the House of Representatives, where he served for 36 years. That is longer than any other Iowan has served in the House of Representatives.

When I was first elected to Congress as the only Republican in the Iowa delegation, Neal Smith forgot about politics and was a mentor to me. I have never forgotten that. I try to follow his example. We worked in a bipartisan way on behalf of the people in Iowa, just as it should be.

I remember Congressman Smith as a real defender of agriculture, small

business, as a great Iowan, and as a good friend.

Barbara and I extend our condolences to his family. They will be in my prayers.

I yield the floor and thank Senator LANKFORD.

Mr. LANKFORD. Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

VACCINES

Mr. LANKFORD. Mr. President, I have a real concern for our economy, for the future of what is happening right now, and a lot of it wraps around the vaccine mandates that are being laid down by President Biden.

On September 9, President Biden had announced: I am losing patience with the American people, and it is time for you to get vaccinated.

And he laid down a rule on every Federal worker, every Federal contractor, everyone in the military, and everyone who is in a private business with 100 employees or more. He created a new mandate.

He literally reached into union shops and changed their collective bargaining agreement unilaterally and said: The President's going to add a new feature in your collective bargaining agreement, and it is going to be that you are going to have a vaccine or you are going to be fired.

He told every police officer; he told every firefighter; he told every doctor, every nurse; he told every member of the military, no matter how many badges they wear or how many decorations they received: You will be fired if you don't follow my instructions.

It didn't matter if they were frontline workers. It didn't matter if they laid their lives on the line all of last year. It didn't matter. He declared to them: You will be fired if you don't follow my instructions.

He made it very, very clear: If you have already had COVID and recovered and have natural immunity, I don't care.

If your personal doctor has told you not to—his perspective in what is coming down is, if the CDC from Washington, DC, says it's OK, it doesn't matter what your personal doctor says.

While he said you can have a religious accommodation, so far, as I checked in with the military services, no one has been given a military or religious accommodation. And across the Federal workforce, I have yet to hear a soul getting a religious accommodation.

The words are: ''We are going to pay attention to your local doctor.''

The reality has been totally different. And we have pushed in every way possible against this administration, and will continue to do that not because it is unjust, not because, quite frankly, I think the vaccine is the wrong thing to do—I think it is the right thing to do—but the mandate is absolutely the wrong thing to do.

Americans have a lot of different reasons to not take a vaccine. Allow Americans to be Americans.

I have a friend of mine who, by the way, is a liberal Democrat. Yes, I have liberal Democrat friends. He called me and said his son has had long-term COVID. Eight months he has been in recovery from COVID. He does not want to have the vaccine not knowing how his body will react to that. This week, he will lose his job because the President of the United States told him he is losing his patience.

That is not right.

BUILD BACK BETTER AGENDA

Mr. President, on a separate but related subject, we continue to be able to walk toward a $2 trillion proposal coming down. We hear the House is taking it up even in the next 24 to 48 hours. Of course, we heard that over and over again lately.

There has been a real concern about what is happening in the economy because of rising inflation. Oklahomans are paying $175 more a month right now for their basic utilities, groceries, and gasoline—$175 more a month that they are paying because of the rising inflation that has happened this year.

That inflation, you can take it right back to the middle of March, when a $2 trillion package was passed in this body on a straight partisan vote that everyone on this side of the aisle was saying: Don't do this. This will cause rising inflation.

And it was done anyway.

As simple as I can state it, it was if you add a lot of extra money and you discourage people from working, you will get fewer products and more buyers. It is not hard to be able to see what is going to happen as a result of that.

Larry Summers, who used to be my Democratic colleagues' favorite economist—he was the National Economic Council director to President Obama—has been a very outspoken progressive economist. He wrote in February, challenging this body not to do that $2 trillion package, saying this:

> There is the risk of inflation expectations rising sharply. Stimulus measures of the magnitude contemplated are steps into the unknown. For credibility, they need to be accompanied by clear statements that the consequences will be monitored closely.

At that same time in February, he said:

> Based on the proposal that's out there, there will be an individual that normally has $22,000 worth of normal income in a year that will move to $30,000 in benefits for the year, and that will cause problems.

And, boy, has it. Employment all over the country has had all kinds of chaotic moments where employers are trying to hire employees and they are making more on benefits than they are at work, and it has caused all sorts of chaos across our economy.

It is interesting, several progressive economists in March of this year, right after the bill passed, made general statements, like: ''A relief plan is different than a stimulus.''

It doesn't matter. It is not a stimulus. It is a relief plan, so we can spend as much as we want.

This was my favorite—one of the economists came out and said: ''The risk of generalized overheating in the goods market appears low . . . ''

''The risk of generalized overheating in the goods market appears low . . . '' That was the statement of the economists in March of this year.

Yet the reality is, this year, there is a backup at the Port of Long Beach and people can't get supplies all over the country, and exactly what was forecast in February and March is occurring in our economy right now.

Larry Summers again identified it this way. He made the statement:

> The pandemic had punched a $20 billion hole in Americans' monthly wage income [and] Biden [has] proposed filling it with $100 billion.

He said:

> I know the bathtub has been too empty, but one has to think about what the capacity of the bathtub is and how much water we're trying to flow into it.

What do I mean by that?

That $2 trillion package that was in March caused all the economic issues of this year. It has caused all the inflation, all the challenges in employment across our economy and across our workforce.

It is now being followed up, apparently, by another $2 trillion proposal that is coming in the coming days. If we had giant inflation with the last one—by the way, with the highest inflation rate since 1982. If we had that inflation from that $2 trillion package, what is going to happen when you put another $2 trillion on top of the last $2 trillion in this economy?

The simple fact is, quoting Larry Summers, we don't know what will happen. We are literally taking ''steps into the unknown.'' But I can tell you, it is not hard to predict.

That is just the economic issues.

As I look at this package—it is hard to be able to look at the package that is being proposed. I have heard quite a few folks back in Oklahoma on the weekend say to me: What all is in this $2 trillion package that a couple weeks ago was at $3.5 trillion? Now we hear it is $2 trillion. What actually is in it?

And I smile at them and say: I am not sure yet. I hear bits and pieces.

To tell you how much it is moving around, last week, when it was released to the public, it was 2,400 pages. By this morning, it was 1,700 pages. But wait. Now this afternoon, it is 2,000 pages long. That is in a week. It has moved from 2,400 pages to 1,700 pages, to 2,000 pages, as the proposal continues to be able to change over and over again.

It is incredibly difficult to be able to track what all is in it, but we can track some things that are in it.

There is a massive hole that is holding for immigration, as we have now seen three different major proposals on immigration on how to be able to give amnesty to the largest number of people. Several have already been knocked down by the Parliamentarian, but it seems to come back again just to try

to find a new way to be able to do amnesty for as many people that are here illegally present in our country as possible. That seems to be a piece of this economic proposal that is out there.

We do know in this proposal that it finds as many ways as possible to be able to fund gaps in Hyde funding.

Now, what is that?

Using Federal dollars to be able to pay for abortions in our country—an agreement that has been in our country since 1976—that we have strong disagreements on a child's life.

I happen to believe that a child is a child is a child, and every child is valuable, no matter how small they are. Many of my colleagues on the other side of the aisle don't believe children are valuable until they can see them. They have to be born before they are valuable. I believe there is no difference in a child in the womb than a child outside the womb other than time.

This bill is full of areas to go around the Hyde rules to start allowing the funding with Federal dollars to pay for the taking of human life.

I am disappointed how obsessed my Democrat colleagues seem to be about finding new ways to pay for the taking of human life of children. That has not been so, even as recently as 2 years ago.

Quite frankly, Senator Biden was outspoken about protecting the Hyde protections. Now, President Biden and this body seem to be focused on how many ways we can increase abortions in America.

There are a lot of energy aspects in this: the new tax on natural gas, where just 5 or 6 years ago, we called the ''bridge fuel to the future'' to be able to reduce carbon. Now, natural gas is receiving punishment in this in brandnew taxes.

There is a block on production from the Arctic National Wildlife Refuge. Some of my Democratic colleagues celebrate, saying: ''We are going to cut off anything from Alaska and protect that region,'' which is remarkable to me. We are now buying more oil from Russia than we are from Alaska, right now—twice as much, in fact, more oil from Russia than we are from Alaska.

The Arctic National Wildlife Refuge is an area 19.3 million square acres—19.3 million acres. That is about half the size of my home State of Oklahoma. That is an enormously large area. And in that area, there are 2,000 acres that would actually be set aside for oil production. So to put it in perspective, ANWR is half the size of my State of Oklahoma, and the oil production area that will be needed is a third of the size of the airport that I fly out of, the Will Rogers airport in Oklahoma City.

If you took a third of the size of the airport, that is the size of, actually, the oil production area that will be needed in an area half the size of my entire State. Yet that is being blocked in this bill.

We will see the price of energy go up, but we will see a new benefit for electric vehicles that are here. For even very, very wealthy Americans, they will get a benefit of $12,500 on new luxury vehicles that they want to be able to purchase, as long as they are electric.

There are direct attacks on the school choice in this bill that actually goes after any kind of private institution or faith-based institution. It says that you will get funding for a secular government school for one level, but if you are in a faith-based school, it is a different level or none at all.

If you are in a pre-K program or a childcare program—and in many rural communities all across our State, when you come to Oklahoma, in many rural communities, the pre-K program and the childcare program is run from a local church. Oh, but they won't be allowed to be able to be a provider in this. You have to be a secular provider because religious institutions are being blocked out by this bill.

It does supersize the IRS, though. It adds $79 billion to the IRS to increase audits—$79 billion. To give you a perspective of how big that is, the normal IRS budget for a year is $12 billion. Yet this bill gives an additional $79 billion to the IRS to be able to increase audits. And if anyone has a belief those audits are only going to connect to people that make $400,000 or more, I have a bridge to sell you.

I have to tell you, as I read through the bill—and it does take some time, and it is difficult to be able to get through it because it is changing so much—I am amazed at some of the things that are in it that have been slipped through this: $350 million are sent to unions to provide for electronic voting systems for unions—$350 million. There are $4.28 billion being set aside for training activities in industry sectors and occupations for climate resilience. There are whole sections in this bill, as I go through it, that are set aside for specific areas: $20 million for State, local, and Tribal governments to mitigate online services to the dot-gov internet domain. To be able to help cities go to the dot-gov internet domain, there is $20 million that is set aside.

And there are some set aside for even some of my colleagues who are here today on the floor: $49 million carveout for Native Hawaiian climate resilience programs in the Office of Native Hawaiian Relations.

It depends on the State that you are in and the perspective that you are in, but as I go through this bill and start identifying the programs, I hear broad descriptions of different programs, and I hear all these different sales of what is in it. But when you read through the bill, when you go through the details of the bill, this is the kind of stuff that you find.

Oh, by the way, one last piece in this ever-changing bill, just within the last hour and a half, they have added a new section of the bill over in the House side. It is a bill dealing with State and local tax deductions that will help the wealthiest Americans get a bigger tax cut. Yes, I did say that correctly. Currently, for Americans who are in high-taxed States, they can only deduct $10,000 of their State and local taxes, only $10,000 off their State and local taxes that they can actually deduct from their Federal tax.

The new proposal that just came out in the last hour from the House of Representatives increases that to $72,500 in deductions off your State and local taxes. That will be a great tax benefit to the wealthiest Americans—$72,500.

All that we are asking is, Show us what the real bill is. Let Americans be able to see the real bill. Have the transparency and the ability to be able to actually track through what this will mean day to day, what this will mean to our economy, because we have seen what $2 trillion did to our economy this March—what is another $2 trillion going to mean on top of all of that coming up this fall?

I think we are walking into the unknown, except this time, I think we do know what is about to happen to our economy. We need to see this bill and stop this bill before it damages our economy even more than we have already been damaged.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I look forward to responding to my colleague in the future, but I can tell you that people I know around the country want to see their costs go down, and that is exactly what this bill is about. It is about bringing families' costs down, from childcare to taking care of loved ones; seniors; to bring down the cost of prescription drugs—something that has eluded our colleagues on the other side of the aisle, despite a lot of claims that they would do something about it.

So we look forward to debating this bill and getting it done.

AMERICAN INNOVATION AND CHOICE ONLINE ACT

Mr. President, I come to the floor today to speak on behalf of a very important piece of new legislation that is bipartisan.

I introduced this bill, the American Innovation and Choice Online Act, in the last month with Senator GRASSLEY, who was here with us today and will be here shortly; as well as my colleagues Senator DURBIN, the chair of the Judiciary Committee; Senator LINDSEY GRAHAM, the former chair of the Judiciary Committee; RICHARD BLUMENTHAL, who is here with us today; Senator JOHN KENNEDY of Louisiana; Senator CORY BOOKER; Senator JOSH HAWLEY; Senator CYNTHIA LUMMIS; and Senator MAZIE HIRONO, who is here with us today; as well as Senator MARK WARNER.

America has a major monopoly power problem, and nowhere is this more obvious than with tech. It is because, in part, it is 20 percent of our economy.

And while we love the new jobs, the new ideas, the new technology that have come out, we all know that you can't just do nothing on privacy, do nothing on competition, and that our competition laws haven't been updated in any serious way since the invention of the internet.

I am here, again, joined with Senator GRASSLEY. I am going to let him go ahead of me and then turn to Senator BLUMENTHAL and Senator HIRONO, and I will finish up because they have been very patient.

I so appreciate Senator GRASSLEY's leadership in this area; one, to make sure the FTC and the Department of Justice Antitrust have the funding they need with the bill that we passed through this Chamber to update merger fees, as well as the work that we are doing right now. It is so important on self-preferencing.

It is this simple: Companies, just because they are dominant platforms, shouldn't be able to put their own stuff in front of everyone else that advertises on our platform. They shouldn't be able to steal ideas and data and develop products off the people who are simply trying to advertise their products on the platform and develop knockoffs, which is exactly what we know, from some really good reporting from the Wall Street Journal and others, has been happening.

And they shouldn't be able to, because they are dominant platforms, tell people who advertise: Hey, if you want to get your stuff near the top of the search engine, then you are going to have to buy a whole bunch of things from us.

That is what reunites us on this bill, the simple concept of competition.

I turn it over to my friend, my neighbor from the State of Iowa, Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it was a pleasure to work on this legislation with Senator KLOBUCHAR, so we joined forces—it happens to turn out that there are 10 of our Senate colleagues—in a bipartisan way to introduce this legislation that we call the American Innovation and Choice Online Act.

This bill has garnered support from all sides of the political spectrum and, of course, is a very commonsense measure, which is meant to increase competition on dominant digital platforms.

Today, there are only a handful of dominant companies that control what Americans can buy, what they hear, and what they say online.

Big Tech has powers over the economy that we haven't seen in generations or perhaps ever, and this power grows even larger, taking over yet more of our daily lives. With this power, Big Tech is able to pick winners and losers on their platforms.

The goal of the American Innovation and Choice Online Act is to ensure that Big Tech can be held accountable when they engage in a discriminatory and anticompetitive manner.

This legislation sets clear rules that businesses on dominant platforms must follow. This will help promote competition by targeting harmful conduct, while ensuring that innovation and pro-consumer conduct is protected.

I want to be clear. Big Tech platforms offer great products to their consumers. This isn't about breaking up companies or penalizing them for being successful. This is about ensuring that small businesses have a fair and even playing field when utilizing a dominant online platform.

I also want to address many of the falsehoods that have been spread by the opponents of this legislation. Nothing in this bill will require a company to shut down their marketplace or prevent those companies from selling their own branded politics.

Also, nothing prevents a search company from showing maps or answer boxes in their search results. And, also, cellular phones can be sold with preinstalled apps. This bill simply sets clear, effective rules to protect competition and users doing business on dominant online platforms.

I am a strong believer in the free market. The United States is still the greatest country in the world for starting and growing businesses. But Big Tech is making it more difficult for small businesses to realize success on these dominant platforms. So with this legislation, Congress must update our laws to keep up with the growing and evolving online ecosystem.

Big Tech has the power to determine when and what we can buy, see, and say online. Big Tech also has the power to destroy companies, small and large, by denying them access to consumers and even to the internet itself.

It is time that we ensure there is effective antitrust enforcement so the American people can take the power back from these Big Tech giants.

I want to again thank Senator KLOBUCHAR for her work with me on this legislation. I also want to thank all of my colleagues from both sides of the aisle who have joined in cosponsoring this legislation.

In the House of Representatives, we have Congressmen CICILLINE and BUCK, who introduced a similar bill earlier this year, which has already been marked up and passed out of the House Judiciary Committee.

The American Innovation and Choice Online Act is a bipartisan, bicameral bill, and I hope that we can move it forward so we end up bringing real, positive change to the benefit of all Americans.

I yield the floor and thank Senator KLOBUCHAR once again.

Ms. KLOBUCHAR. Mr. President, I thank Senator GRASSLEY for his leadership in working with colleagues, and I am glad he mentioned Representatives CICILLINE and BUCK. They are quite the bipartisan duo. But, then, we worked with them to make some changes to this legislation in order to bring it to our colleagues, and we are very proud of the work we have done. We think it is going to make a big, big difference.

With that, I will turn it over to Senator HIRONO.

The PRESIDING OFFICER. The Senator from Hawaii.

BUILD BACK BETTER AGENDA

Ms. HIRONO. Mr. President, before turning to the bipartisan bill that brings a number of us to the floor this afternoon, we have been listening to a number of my Republican colleagues throw stones at Build Back Better, and I would like to simply state for the record that Democrats are committed to lowering costs for families, such as making childcare more affordable, and home care for seniors. Democrats are committed to lowering taxes for people, such as the child tax credit that, by the way, provides much needed financial support for families, including for the families of over 200,000 children in Hawaii alone—all by making the richest people in our country, who got the benefit of $1.5 trillion in totally unnecessary tax cuts that the Republicans pushed through—by making the richest people in our country pay for these much needed programs and actually support American families.

Meanwhile, what are the Republicans doing? Nothing. Zero. Nothing for American families. So I would like to set the record straight as to who actually is working hard to help American families, and, believe me, it is not the Republicans.

AMERICAN INNOVATION AND CHOICE ONLINE ACT

Mr. President, turning to the bill that we are talking about today, today's big tech behemoths like to tout their claimed consumer-focused approaches—Amazon, with its ability to deliver seemingly any product to your doorstep within 2 days; Google, with its goal of organizing the world's information and making it accessible to all; Apple, with its mission of bringing the best personal computing products and support to the end user; and Facebook, looking to give users the power to build communities and bring the world closer together. Each claims that their success has been the direct result of their consumer focus, that consumers choose their products and services because they are the best in class.

That may have been true at some point, but it is certainly not true today. Today, consumers have no real choice. Amazon, Google, Apple, and Facebook have become gatekeepers that too often limit, if not outright squash, competition online. The result is unprecedented market domination that allows these small handful of giant companies to influence the choices and actions of literally billions of people every day.

Think about how many times each of us goes on Google. Multiply that by the billions every day. That is the kind of influence these large companies have.

Take Amazon. Just yesterday, the Judiciary Committee heard from a small business owner who sells his Crazy Aaron's Thinking Putty on Amazon's dominant online marketplace. He watched as Amazon leveraged its dominance by using the data it collects from these sales to introduce a knockoff of his product. This is consistent with reporting from Reuters and others that Amazon recruits small businesses to its marketplace and then systematically uses the seller data it collects to develop competing products and preferences those products by placing them at the top of its search results.

Google uses similar tactics to preference its own products and services. The company controls over 90 percent of the search market—90 percent. That might not be such a big deal if Google simply fulfilled the promise of its cofounder, Larry Page, to ''get you out of Google and to the right place as fast as possible,'' but that simply isn't the case anymore. About two-thirds of searches on Google result in zero clicks; in other words, they start on Google, and they end on Google. That means, for example, that more and more diners looking for the best restaurants don't get directed to Yelp, the site Google's own search criteria identifies as best; rather, they get Google's inferior reviews. It means that travelers looking for travel deals on the top tourist attractions don't get sent to Expedia or Tripadvisor; they are stuck with Google. This is becoming the case for more and more searches.

Apple, likewise, uses its complete control over the iPhone and IOS operating system to give its product a leg up. The company has introduced a number of products, including Apple Music, AirTags, and others, to compete with third-party products—except it is really no competition at all because Apple pushes those third parties into its payment system and then charges a tax of up to 30 percent. Sure, consumers can still use Spotify or Tile, but they all have to pay more to do so. In either case, Apple wins.

These companies have made clear time and again that they are not interested in competing on a level playing field; instead, they are determined to totally control the playing field. Unless the Federal Government steps in, they will continue to do whatever it takes to hold on to their market dominance, competition be damned.

This isn't good for consumers. That is why I cosponsored the American Innovation and Choice Online Act. The bill will put an end to these abusive and anti-competitive practices. Among other things, it will outlaw self-preferencing by the dominant online platforms, prevent these platforms from using a competitor's data to compete against them, and ban the biasing of search results to benefit the company's own products. Unlike the words of the big tech behemoths, the American Innovation and Choice Online Act isn't an empty promise; it will actually put consumers first by restoring competition in the online marketplace.

Thank you, Mr. President.

I yield to my colleague Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank my colleague from Hawaii for that very powerful explanation for why we are here today, and I thank Senator KLOBUCHAR for her incredibly important and impactful leadership in this area as the chairman of the Subcommittee on Antitrust of the Judiciary Committee. She has led informative and profoundly significant hearings, and now she has brought to the floor, with many of us as cosponsors, along with Senator GRASSLEY, this major piece of legislation, the American Innovation and Choice Online Act.

I will just begin by restating what a number of my colleagues have said. These complaints about inflation are really totally misplaced as applied to the Build Back Better legislation. In fact, the Build Back Better legislation will drive down costs for Americans, make childcare affordable and accessible, make preschool free and universal for all Americans, and lower the cost of prescription drugs—for the first time, a major piece of legislation to lower the cost of prescription drugs for Americans and lower costs, as well, for energy and housing. The ripple effects of these major steps in reducing costs for everyday Americans will be profound and enduring.

To my colleagues who say on the floor today that this bill is changing or complex, yes, it is complex because it is big and impactful in lowering costs. And, yes, we have listened to Americans in making improvements to the bill, and we will continue to listen to Americans.

Now, inflation also is tied to the bill that is before us, the American Innovation and Choice Online Act. Competition is the lifeblood of our economy. Competition is the way that prices are kept competitive in benefits to consumers. Competition among businesses is the key.

Today, in our digital marketplaces, Big Tech in effect controls access to consumers.

Go back to an earlier time in our country's history. After the Civil War, we saw railroad tycoons use their monopolies to favor big, repeat businesses, with costs to average Americans. They imposed discriminatory terms on farmers and other businesses that needed access to the rails in order to get their products to the public. The American people wanted to do something about it. Congress did. In 1887, Congress responded by passing the Interstate Commerce Act, which stopped railroad monopolies from offering less favorable terms to smaller businesses and farmers.

The analogy is not completely exact because we are dealing now with Big Tech, but the principle is the same. Think of it as the big tech companies controlling the means of delivery of goods and services. They are the modern-day railroads. In our digital markets, they are dominant gatekeepers with total control of essential online platforms. But, even worse, they have another role as marketers of their own products on those platforms. In other words, big tech companies own the railroads of our digital economy, but they also compete with the economies relying on those railroads to get their products to consumers.

Just a couple of weeks ago, in the Commerce Committee, the Subcommittee on Consumer Protection, which I chair, a whistleblower from Facebook described, to the disgust and dismay of most Americans, how Big Tech is pushing disruptive and toxic content on children and how they know it and profit from it and, in fact, know from their own research and studies what the effects are of online bullying and eating disorders and other harms that are conveyed.

Americans asked me, as they did many of my colleagues: What are you going to do about it?

There are solutions—on privacy, on tools for parents, on other means of holding Big Tech accountable—and one of them is to make sure that antitrust laws are enforced and approved so that there are competing apps that offer safer means of reaching children and other consumers.

Now, the app market is a place where these harms to consumers and competition are starker than anywhere else. The mobile app market has grown into a significant part of the digital economy. In 2020 alone, U.S. consumers spent nearly $33 billion in mobile app stores, downloading 13.4 billion apps.

We are all dependent on our phones as our gateway to our work, our social lives, and education. But two companies, Apple and Google, dictate the terms of this important market. They do it exclusively. Yet they have those dual roles: first as gatekeepers of the dominant mobile operating systems and their app stores; and, second, as participants on those app stores.

And as with the railroad tycoons, Apple and Google abuse that gatekeeper status to preference themselves and their business partners, driving up their own profits—and consumers' costs—while shutting down competition and stifling innovation. Higher costs, less innovation means consumers are deprived of the benefits of competition.

As with the railroads, Congress needs to ensure that new entrants and smaller companies can compete on fair terms. Today's digital tycoons need new rules of the road that will protect other businesses, like laws protected small farmers and small businesses

against the railroad tycoons. And these rules of the road need to address the anti-competitive discrimination that is self-preferencing across our app economy.

I have heard from app developers who have been unable to tell their own customers about lower prices, unable to inform their own customers about better prices from app developers whose ideas have been co-opted by Apple and Google under their ''kill'' or ''copy'' strategy and who are knee-capped by the onerous 30-percent rent fees that are charged to them. And if app developers don't like the term, there is simply nowhere else for them to go.

So I am indebted to Senator KLOBUCHAR and Senator BLACKBURN for coauthoring another bill with me. In August, I was proud to introduce the Open App Markets Act, which would address anti-competitive discrimination and self-preferencing.

I believe that it is critical that we pass that bill, as well as this one, to set fair, clear, and enforceable rules to protect competition and consumers within the app market.

Like in the app market, there are central gatekeepers in our digital markets with enormous power and deep conflicts of interest. Amazon alone, for example, controls as much as 70 percent of all United States online marketplace sales. If you are a third-party business: Amazon can stop you from contacting your own consumers; Amazon can rank its own products ahead of you in search; Amazon can make sure that when a consumer asks Alexa to buy a particular product, the consumer receives Amazon products; Amazon can use its asymmetric access to data to engage in a copy and kill strategy. It can replicate your successful products, make the products themselves—often more cheaply, given their massive size—and then rank the product at the top of the search bar. In effect, they can make it impossible for you to compete on product quality or price.

We have a rare opportunity to improve this abuse of power. We should seize that opportunity with bipartisan support and help protect American consumers and businesses.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that I be permitted to speak up to 7 minutes; Senator MERKLEY, up to 15 minutes; and Senator DURBIN, up to 10 minutes prior to the scheduled votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I want to thank my colleague Senator GRASSLEY, the Republican lead on this bill; Senator BLUMENTHAL, who has done so much work in the area of competition and protection of children; and Senator HIRONO, who came to the floor today; as well as our original cosponsors of this bill, with many more supporters out there. And that includes Senator DURBIN, the Chair of the Judiciary Committee; Senator LINDSEY GRAHAM, the former chair; Senator KENNEDY; Senator CORY BOOKER; Senator JOSH HAWLEY, Senator LUMMIS; and Senator WARNER.

So, as we noted, as you heard the speakers today, this is a real-world problem. This isn't something where the tech companies can say ''just trust us, we've got this.''

I think anyone who heard the whistleblower a few weeks back in Commerce knows that is not true; or heard the parent I heard from last week, who told me that, as she tries to protect her kids, as she tries to find the right filter or to get them to stop clicking on a link or doing something that is going to expose them to bad content and bad accounts, she said she feels like it is a faucet that is on and it is overflowing in a sink, and she is trying to mop it up, and then the water just keeps coming out as she goes from kid to kid to kid.

I think that pretty much sums it up for how a lot of parents feel right now.

And the other thing that is going on when you have dominant platforms and you don't have enough competition and you can't get competitors that might have developed the bells and whistles that would have protected us from misinformation and from bad information for our kids—well, that is what happens when you have dominant platforms.

And you know what else happens to you when you go to search for restaurant reviews, you might not be able to see what you really want to see. Instead, you get pushed towards less reputable and less informative reviews; or when you go to try to book a flight, you might be missing out on a better deal because of certain dominant platforms' own booking tool is being pushed to the top of your results. You are basically getting ripped off. That is it, plain and simple.

It also means a dominant platform using nonpublic data—nonpublic data, stuff it gathered from you. And, by the way, one example, Facebook makes $51 a quarter—a quarter—off of every one of the pages that is sitting here in front of us, off of Senator MERKLEY, who is patiently waiting to speak. Fifty-one dollars a quarter is how much they make because they have got access to all this information, and then the ads get targeted to us. And we don't get any of that money.

Dominant platforms, using nonpublic data that they gather from small businesses can use their platforms—and this is in the retail space; we are talking here, like, Amazon—to build knockoff copies of their products and then compete against the people who we are paying to advertise on their platform.

This isn't your local grocery store chain selling store brand potato chips to compete with a brand-name product. This is Amazon using incredibly detailed, nonpublic information that they get from their sellers on their platform to create copycat products and box out competition from small innovators.

What does it look like?

In one case, an employee of Amazon's private label arm accessed a detailed sales report with 25 columns of information on a car trunk organizer produced by a small Brooklyn company called Fortem. In October 2019, Amazon started selling three trunk organizers of its own. When shown the collection data Amazon had gathered about his brand before launching of their own product, Fortem's cofounder called it a big surprise.

Yeah, I don't think most of us assume that trillion-dollar companies put their troves of data to work boxing small businesses out of the trunk organizer market. But it happened.

That is why we are here supporting the American Innovation and Choice Online Act.

Yeah, you have got to update your competition laws when they haven't been changed since the internet was invented.

What does this mean?

Apple won't be able to stifle competition by blocking other companies' services from interoperating with their platform. Amazon won't be able to misuse small businesses' data in order to copy their products. And Google won't be able to bias their platform's search results in favor of other products—their own products.

The result?

A fairer playing field for small and medium businesses, more options, more flexibility, and more access to markets and fostering entrepreneurship for the new kids on the block.

And, by the way, as Senator GRASSLEY outlined, this bill does not outlaw Amazon Prime. Let's go for the lie. It does not do that. That is what they have been saying because they want to stop this in its tracks; or free shipping; or stop Apple from freeloading useful apps onto their iPhones. No, no, no. This is the kind of stuff they have been saying for a while.

And that is why Senator GRASSLEY and I spent the entire summer working on this bill, to make sure it did none of that. That is why we have such broad support, because this is targeted at anti-competitive conduct.

We are really excited about this bill. The positive opinions it has been getting—Boston Globe, Washington Post: ''Finally a promising piece of tech antitrust legislation in Congress.''

I think there are other ones, but that is what they said in there.

So commonsense rules of the road for major digital platforms, allowing them to continue to operate their businesses. We are glad for these products. We like these products. We want to keep these companies strong. But they don't need to engage in this kind of behavior. That is why we are here today, and we are looking very forward to getting this bill before the Judiciary Committee and passed through the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

ISSUES FACING AMERICA

Mr. MERKLEY. Madam President, not too long ago, we had a vote on whether or not to start a debate on the John Lewis Voting Rights Act. And the majority said, yes, start the debate.

Then why aren't we here in that debate?

Well, the simple answer is we have a process whereby you have to have 60—a supermajority of the Senate decide to start a debate. In other words, there is ability to exercise a veto over whether or not a bill is worthy for consideration on this floor, even if it is supported by the majority of legislators.

That effort is really about destroying the ability of this Senate to address the big issues facing America.

What bigger issue is there in a Republic than stopping billionaires from buying elections; to stop gerrymandering from destroying equal representation; to stop State laws that create prejudicial barriers designed to target specific groups to keep them from voting; barriers at the ballot box to steal the right to vote? What bigger, more fundamental issues are there than that?

Yet we can't even start a debate. In fact, we spend a lot of time debating whether to debate, and that is wasted time on the floor.

So, truly, that vote we took was symbolic of two things. The first is that we are failing to address one of the biggest issues we face in this Nation: the integrity of our election system, the corruption of our election system.

And, second, that this Senate has become dysfunctional.

When Ben Franklin was walking out of the Constitutional Convention, he was asked by a woman what kind of government they had created—a Monarchy or a Republic? And he is reported to have responded: A Republic, if you can keep it.

We have strived through 234 years to keep that Republic through war, through depression, through social unrest, through global pandemic. We fought for 234 years to ensure that, as expressed by Lincoln at Gettysburg, ''government of the people, by the people, for the people, shall not perish from the earth.'' But, as the American philosopher John Dewey once said, ''Democracy has to be born anew every generation.''

It is up to each generation to take up the cause and fight to protect the foundations of our Republic. We are facing a moment of crisis once again when this institution has veered far afield from that time when it was declared to be the world's greatest deliberative body. Now it is perhaps the world's most dysfunctional legislative body—unwilling and unable to even debate, let alone vote, on the biggest issue of our time: the defense of our Republic from the corrupting forces of power, of billionaires buying elections, of gerrymandering, and certainly of barriers at the ballot box.

So we have a responsibility to take up this cause, to understand its source, and to address it, to restore the Senate as a deliberative body.

One of the ways to evaluate our dysfunction is to look at the trend and number of amendments considered on the U.S. Senate floor.

In the 109th session of Congress, 2005 to 2007, there were 314 amendments. In the 116th, the 2 years just passed, there were 26. So 314 amendments to 26. And most of the amendments that were allowed of those 26 went to just 2 Members, so most Members had no opportunity to offer amendments.

The trends in cloture filings—that is a motion to close debate—give us some understanding of what has happened. They were extremely rare in the past because the Senate understood it was a simple majority body. That is the way the Founders designed it. So very rarely there had to be an effort to actually close debate because Members went on forever speaking, but it was rare—in 1910 through 1919, just three times; in 1930 through 1940, four times; and in 1950 to 1960, two times. But then, in 1970 forward, things changed. From 1970 to 1975, there were 57 filings to close debate in 4 years versus 34 from 1910 forward to 1970.

This explosion—and that was just on policy legislation—led to a reform in 1975. The rule for closing debate—the old rule of two-thirds of Senators voting was changed to three-fifths of Senators duly chosen or sworn. That is 60 votes regardless of how many people were on the floor voting.

That rule change was started, if you will—generated just in those years from 1970 to 1974 where you had these 57 cloture motions, which is nothing compared to today—nothing—which I will expand on.

But that 1975 rule change—because instead of saying it was a percentage of those present and voting, instead, it was a percentage of the Senate, it means that, unwittingly, we transformed the way that you delay things in order to exercise leverage.

We had, under the old rule, a public process where you had to take the floor as I am right now and speak at length in order to delay while your teammates worked to negotiate an amendment, negotiate a compromise, make sure the public had read the bill, make sure the press had seen the bill, make sure the Senators had vetted the bill. All those are valuable. That delay in order to improve the process is valuable.

Under the old rule, it was a public process. The whole Nation saw it, and they could judge whether you were a champion or whether you were a disaster, and you got that feedback. Under that old rule, it was not just a public process, but it took enormous energy.

Under the new rule—a no-show. It is not necessary to show up for debate and not necessary to show up to vote. It is a no-show, no-effort veto that transformed this Senate. Well, the result was that it made it so easy to obstruct that people decided to obstruct a lot. That 1975 cloture rule backfired by creating this no-show, no-effort obstruction.

Let me give you a sense of this. During the period 1960 through 1970, there were some 25 cloture motions to close debate, but in the next decade, over 100 in the seventies; in the eighties, over 200; in the nineties, over 300; in the 2000s, over 400; and in 2010 through 2020, 1,029 motions to close debate. That is the disaster we are living in right now. Instead of it just being ''Let's slow things down on final passage,'' it became ''Let's slow things down on amendments.'' So we went from zero cloture motions on amendments from 1920 through 1960 to 143 just in one 10-year period. It expanded to nominations. We went from zero from 1910 through 1960 to 545 during 2010 through 2020. In motions to proceed to legislation, we went from zero during the fifties to 175 in 2010.

So this process of a supermajority vote to proceed expanded from being rare to being common. It expanded from being on final passage of legislation to everything—amendments, motions to proceed—every aspect of the work we do here.

Now, here is the very strange thing: This use of a supermajority would absolutely have astounded and appalled our Founders. Our Founders were operating under the Confederation Congress at the time they were writing the Constitution. The Confederation Congress had a requirement for a supermajority, and that supermajority paralyzed the Confederation Congress. They were not able to raise an army to put down Shays' Rebellion. They were not able to raise money to pay for the Revolutionary War veterans.

So our Founders said: Whatever you do, don't adopt a supermajority.

We have Hamilton writing:

> If two thirds of the whole number of members had been required . . . the history of every political establishment in which this principle has prevailed, is a history of impotence, perplexity, and disorder.

Hamilton, in another Federalist paper, wrote:

> If a pertinacious minority can control . . . [the] majority . . . tedious delays; continual negotiation and intrigue; contemptible compromises of the public good [will result].

Then we have Madison, who said:

> In all cases where justice or the general good might require new laws . . . or active measures . . . the fundamental principle of free government would be reversed [under a supermajority]. It would be no longer the majority that would rule: the power would be transferred to the minority.

He is pointing out that it stands the very structure of a legislative body on its head.

He went on to note that the result of the supermajority—remember, they were experiencing this under the Confederation Congress—is to produce the

following: that the ''minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences.''

Here, are our Founders saying: We experienced the supermajority. Don't ever do it.

They wrote the Constitution so a supermajority was reserved only for special circumstances, like evicting Members, like considering a treaty, like overruling a Presidential veto.

So why are we here today doing exactly what the Founders said not to do and experiencing exactly the results that they had experienced under the Confederation Congress?

My friends, we have a responsibility to restore the function of this body. We need to streamline the nomination process. Think about how a nomination works. You vote to go to executive session. You have a motion to proceed to a nomination. You vote on proceeding. You hold a debate, you hold a vote, and then you proceed it, and then you hold a debate, and then you vote, and then you have 2 hours of postdebate, and then finally a vote. That is a crazy system to be able to consider a nomination. It takes up huge amounts of our time when a simple vote to proceed, limited debate, simple vote to proceed to on the floor, simple time to consider it, and a vote on whether or not you are going to allow the person to fill the position the person has been nominated for—this sort of streamlining would save us all a tremendous amount of time that could be dedicated to actual debate and actual amendments.

Then there is this use of a supermajority on motions to proceed to legislation, using a blockade to prevent debate, not to facilitate debate, as is sometimes argued for the supermajority—that it can slow things down, facilitate debate, make sure bills are read, make sure there is a chance of negotiation—no, to prevent debate. We shouldn't spend time debating whether to debate. Let's just have a set hour to consider whether to move to a bill, and then we either move to it or we don't.

How about amendments? I noted the collapse of the ability of Senators to amend. Senators in the minority want to do amendments. Senators in the majority want to do amendments. We all have ideas and thoughts on how to change things and improve things. We want to make our case, but we don't get to do it here anymore.

Don't we have a bipartisan, vested interest in restoring amendments to the deliberations of the Senate? You know, I was pondering this question because we seem to be locked in a cycle where, given partisan differences in the Nation—partisan differences that are increased by social media and increased by cable television—we just can't seem to come together to be able to make this place work as it is supposed to, as it is our responsibility to do. But we have gotten to the point where we are utterly—utterly—damaging the United States of America.

You know, the President of China, President Xi, is saying: Hey, there is a world competition between democratic republics and an authoritarian world. Look what we have done in China. We went from bicycles, and then we had cars and traffic jams, and now we have bullet trains, 16,000-mile bullet trains. Look what we are accomplishing. Look how many millions are lifted out of poverty. Look how paralyzed the United States is.

Why is the United States paralyzed? Because this Chamber cannot discuss a simple debate and vote like every State legislature across this country does.

Colleagues, let's come together. Let's restore debate. Let's restore amendments. Let's save and savor and improve the ability of the minority to participate in the process, but let's also remember that balance of the Senate involves getting to a final decision, a simple majority vote as the Founders had intended.

The PRESIDING OFFICER. The Senator from Illinois.

NOMINATION OF JENNIFER SUNG

Mr. DURBIN. The Senate will soon be voting on a highly qualified nominee to the Ninth Circuit, Jennifer Sung.

She is a distinguished jurist who will bring an underrepresented perspective to the bench. She is a graduate of Oberlin and Yale Law School. She clerked for Judge Betty Binns Fletcher on the Ninth Circuit. She received a prestigious Skadden Fellowship and worked on economic legal issues at the Brennan Center. She spent more than a decade representing American workers, often minorities from low-income and underserved communities, in labor disputes.

In 2017, Oregon Governor Kate Brown appointed her to serve on the Oregon Employment Relations Board, known as the ERB. It is a three-member, quasi-judicial agency charged with resolving labor disputes. As a member of that board, she sits on a three-member panel that reviews evidentiary records, independently evaluates the law, and works in a collaborative manner to reach consensus on opinions and issues. If that sounds like the same process she would follow in Federal court, it is. In her nearly 5 years on that board, she has presided over more than 200 matters, and only 3 of the 200 have ever been overturned.

She has exhibited the kinds of qualities we expect of a circuit court nominee. She has been criticized for one thing that she did in her life, and some of her critics won't forget it. She signed a letter that was opposed to Judge Kavanaugh's nomination to the Supreme Court. She has testified under oath before our committee that some statements in that letter were, in fact, overheated. More importantly, she testified that she respects the authority of all members of the Supreme Court and recognizes the importance of faithfully following law and precedent.

The best evidence of how she will serve on the circuit is her impressive record in the State of Oregon. When you look at that record, you see that she has the support not only of many colleagues but also of employees, unions, and employers. Here is what they said: ''impressive intelligence, diligent preparation, respectful courtroom demeanor, and judicial impartiality.'' How about that for a checklist for a judgeship?

When I hear some of my colleagues express outrage over one letter she signed in her life, I wonder if they remember some of the nominees that they brought before us in the last 4 years. It appears there is a double standard.

Ms. Sung has the strong support of Senators MERKLEY and WYDEN, and the American Bar Association rated her as ''well qualified.'' As the first Asian-American woman—she will be the first to hold the Oregon seat in the Ninth Circuit, bringing diversity to that bench. Her professional accomplishments and her commitment to fairness and impartiality are profound and impressive.

I support her, and I hope my colleagues will as well.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Prieto nomination, which the clerk will report.

The legislative clerk read the nomination of Jeffrey M. Prieto, of California, to be an Assistant Administrator of the Environmental Protection Agency.

VOTE ON PRIETO NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Prieto nomination?

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 460 Ex.]

YEAS—54

Baldwin	Casey	Gillibrand
Bennet	Collins	Hagerty
Blumenthal	Coons	Hassan
Booker	Cortez Masto	Heinrich
Brown	Cramer	Hickenlooper
Cantwell	Duckworth	Hirono
Cardin	Durbin	Hyde-Smith
Carper	Feinstein	Kaine

Kelly	Murray	Sinema
King	Ossoff	Smith
Klobuchar	Padilla	Stabenow
Leahy	Peters	Tester
Luján	Reed	Van Hollen
Manchin	Rosen	Warner
Markey	Sanders	Warren
Menendez	Schatz	Whitehouse
Merkley	Schumer	Wicker
Murphy	Shaheen	Wyden

NAYS—44

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hawley	Romney
Boozman	Hoeven	Rubio
Braun	Inhofe	Sasse
Burr	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Shelby
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Young
Fischer	Paul	

NOT VOTING—2

Rounds	Warnock

The nomination was confirmed.

(Mr. BOOKER assumed the chair.)

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. OSSOFF). Under the previous order, the Senate will resume consideration of the Nayak nomination, which the clerk will report.

The senior assistant bill clerk read the nomination of Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor.

VOTE ON NAYAK NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Nayak nomination?

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Lousiana (Mr. CASSIDY) and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from Louisiana (Mr. CASSIDY) would haved voted ''nay.''

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 461 Ex.]

YEAS—52

Baldwin	Gillibrand	Murkowski
Bennet	Hassan	Murphy
Blumenthal	Heinrich	Murray
Booker	Hickenlooper	Ossoff
Brown	Hirono	Padilla
Cantwell	Kaine	Peters
Cardin	Kelly	Reed
Carper	King	Romney
Casey	Klobuchar	Rosen
Collins	Leahy	Sanders
Coons	Luján	Schatz
Cortez Masto	Manchin	Schumer
Duckworth	Markey	Shaheen
Durbin	Menendez	Sinema
Feinstein	Merkley	Smith
Stabenow	Warner	Wyden
Tester	Warren	
Van Hollen	Whitehouse	

NAYS—45

Barrasso	Graham	Paul
Blackburn	Grassley	Portman
Blunt	Hagerty	Risch
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Cramer	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Lummis	Toomey
Daines	Marshall	Tuberville
Ernst	McConnell	Wicker
Fischer	Moran	Young

NOT VOTING—3

Cassidy	Rounds	Warnock

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

MOTION TO DISCHARGE—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that all remaining time on the motion to discharge be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO DISCHARGE

The question is on agreeing to the motion to discharge.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 462 Ex.]

YEAS—49

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Hassan	Padilla	
Heinrich	Peters	

NAYS—49

Barrasso	Cotton	Hawley
Blackburn	Cramer	Hoeven
Blunt	Crapo	Hyde-Smith
Boozman	Cruz	Inhofe
Braun	Daines	Johnson
Burr	Ernst	Kennedy
Capito	Fischer	Lankford
Cassidy	Graham	Lee
Collins	Grassley	Lummis
Cornyn	Hagerty	Marshall
McConnell	Rubio	Tillis
Moran	Sasse	Toomey
Murkowski	Scott (FL)	Tuberville
Paul	Scott (SC)	Wicker
Portman	Shelby	Young
Risch	Sullivan	
Romney	Thune	

NOT VOTING—2

Rounds	Warnock

The VICE PRESIDENT. On this vote the yeas are 49, the nays are 49.

The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

The nomination is discharged and will be placed on the calendar.

Mr. KELLY. Madam President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, before we adjourn this evening, in a few moments, I will move to confirm Mr. Tom Nides as the next Ambassador to Israel.

I am glad the Republican hold on Mr. Nides has been lifted, and we will have an Ambassador in Israel to help maintain and strengthen the U.S.-Israel relationship.

Mr. Nides, as I have known him for many years, is just the right fit. He is a hard-working man. He is a bright man. He has tremendous experience, and he cares very much about strengthening the U.S.-Israel relationship. So this will be a good day for that relationship because we are going to confirm him very, very shortly.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Calendar No. 452, Thomas R. Nides, of Minnesota, to be the Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Israel, and that the Senate vote on the nomination without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Thomas R. Nides, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Israel.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Nides nomination?

The nomination was confirmed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the

table, all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 428 and 443; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the Record; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Adrienne Wojciechowski, of the District of Columbia, to be an Assistant Secretary of Agriculture; and Michael Carpenter, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REMEMBERING CAROLYN POLLAN

● Mr. BOOZMAN. Mr. President, I rise today to honor Carolyn Pollan, who passed away at the age of 84 on Saturday, October 23, 2021.

Carolyn Pollan was a native of Fort Smith, AR, who dedicated her life to serving the Natural State. She was elected to the Arkansas House of Representatives in 1975 and was one of only three women serving in the State legislature at the time. She served until 1999, becoming the longest serving woman and Republican in Arkansas House history.

Throughout her career, Carolyn was a champion of Arkansas' families and children. Her leadership in developing policies to help kids and families landed her in more positions to create positive change for future generations.

She created and chaired the children and youth committee—a new committee specifically designed to address problems affecting children—and served on the education committee and legislative council, as well as the joint budget committee. In addition, she formed the first domestic abuse hotline and established the Arkansas Commission on Child Abuse, Rape, and Domestic Abuse. She also crafted legislation that brought about major, positive changes to teaching at-risk youth. Over 250 pieces of legislation she sponsored were passed, many of them positively impacting Arkansas's families and children. Family, friends, and colleagues say no one came close to matching her passion on these issues. Additionally, Carolyn was the first woman appointed as associate speaker pro tempore of the State House.

Carolyn also cared deeply about education. For 25 years, she served on the John Brown University Board of Trustees—the first woman to do so—and became a Trustee Emeritus. She also created the Pygmalion Commission in 1993, which continues to improve educational outcomes for at-risk students in Arkansas. Additionally, she served on numerous educational boards and committees. Carolyn chaired the Southern Regional Legislative Council Education Committee and Southern Legislative Council Education Committee, served in the Office of Technology Assessment of the Congress Advisory Board for the National Study of Computers in Education, and on several educational boards within the U.S. Department of Education and U.S. Department of Labor.

Carolyn also worked for Arkansas Governor Mike Huckabee for 3 years, where she helped enact welfare and workplace reforms and managed the State's multimillion-dollar tobacco settlement. She served on the development committee of the Clinton School of Public Service and was a founder and board president of the Arkansas Center for Health Improvement within the University of Arkansas for Medical Sciences, which has significantly improved the health of Arkansans since its founding.

She has been honored by numerous organizations in recognition of her accomplishments. Carolyn was included in the Top 100 Women in Arkansas by Arkansas Business Magazine and was honored as one of 10 outstanding legislators in the U.S. by the National Assembly of Government. She was also named among the top 100 most influential people in Arkansas according to a statewide poll conducted by the Associated Press. In 2020, she was inducted into the Arkansas Women's Hall of Fame.

With such an impressive background and career, Carolyn remained humble and never lost sight of the reason she served: to protect Arkansas's vulnerable families and children and create greater future opportunities that would not only benefit them tremendously but also benefit the state. She was well-respected by colleagues across the aisle who attested to her willingness to work together if it meant improving the lives of Arkansans.

Carolyn Pollan's relentless advocacy and passion created a far better, safer, and healthier Arkansas for families and children that boasts more access to important educational opportunities. I am honored to recognize her incredible life and join with her loved ones, former colleagues, and community in celebrating Carolyn's legacy.●

TRIBUTE TO MARK JOHNSON

● Mr. CRAPO. Mr. President, I congratulate KTVB News anchor and journalist, Mark Johnson, on his remarkable career, as he retires after 40 years in the television news business.

Mark's dedicated career started in television sports in Missouri in 1981, brought him to Idaho, then took him to Wisconsin and Pennsylvania before, thankfully, bringing him back home to Idaho and KTVB in 1996. He served as KTVB's sports director before his 2003 promotion to serve as the station's main anchor. He is well-described by the station as, ''A constant in the lives of generations of Idaho families, Mark Johnson has watched 30 years of Idaho history unfold from his spot in the KTVB studio.''

He has understandably earned significant recognitions for his work. This includes KTVB earning regional Emmy awards for the News at 10 while Mark was a pivotal part of the team as lead anchor and his winning of a national Edward R. Murrow award for his work involving the 2002 Salt Lake Olympics. In addition to the time and talent he has committed to reporting, he has also supported many community efforts.

His heartfelt appreciation for and deep interest in the people of Idaho and its valued spaces are reflected in his thoughtful journalism. Those who have had the opportunity to work with Mark and know him consider themselves lucky. His calm demeanor during challenges and his sense of humor have shaped the way many have faced the events that are part of daily life, and it is clear he will be greatly missed in the anchor chair.

Mark, as you start your next chapter, I wish you more, well-earned time with your many friends and loved ones, including your wife Chris; daughters Hannah, Lindsey, Alexa, and Grace; and grandson. I congratulate you on an amazing career and thank you for bringing Idahoans the news for all these years.●

TRIBUTE TO JOHN WILLIAM STOKES

● Ms. MURKOWSKI. Mr. President, I have come to the floor to recognize an Alaskan who I have come to know over

the years through his compelling correspondence. Bill Stokes is an artist, a man of deep thought and many talents. Among his many traits and skills, he does incredible woodworking and water systems, and he is an author and a poet. In honor of Veterans Day, Bill has asked me to submit two of his poems to the CONGRESSIONAL RECORD.

The first poem is entitled ''Tears.''

I have pondered long and hard for more than fifty years.
And it is my belief that the two most important gifts you will ever know are life and freedom because the price of both is a Mother's tears.
Both require an entire lifetime of hard hard work.
And you cannot, dare not, avoid and shirk.
Birth is the hardest work a mother will ever do.
And freedom also requires an excruciatingly painful birth with unending protection from both me and you.
Make no mistake that freedom comes at great cost of life.
Because tyrants are as thieves that are totally committed to stealing your freedom with a bloody knife.
The description is exactly real.
Because if you don't aggressively protect your freedom, the knife you will feel.
Freedom absolutely requires an honest government with a standing army of those unafraid to die.
To ensure that every future generation has the ability to follow its dreams to the far edge of the sky.
Falling in battle is clearly the Soldier's lot.
But that is how the freedom you enjoy is bought.
Those fallen in battle cannot ever become nameless and lost.
And regardless of culture or clime, a national day of remembrance, ensures that every warrior's name is with honor, remembered, that they paid for your freedom's cost.
I have pondered long and hard for more than fifty years.
And it is my belief that the two most important gifts you will ever know are life and freedom because the price of both is a Mother's tears.

The second poem is called ''Son.''

As I walked by a young man was standing in front of his home wearing his desert camouflage waiting for his ride and as I walked up to him he cradled his gun.
And I couldn't help myself from asking ''What's your name son?''
I did not understand why he stood there alone when I heard his mother's wails of despair as she cried.
And his father's voice cracking as he tried to comfort her from the house somewhere inside.
His eyes were red from his own tears as he to his family he had said his goodbye.
And everyone knowing full well that this might be the last time they see him alive from fighting in a war he did not contrive.
I told him that as a father and a vet.
How proud I was and his name was indelible in my mind and I would never forget.
As I only came this way every month or so I would look and see.
That upon his return if he tied a bright red ribbon on a branch of the front yard tree.
Before I left I came to full attention and saluted him with all the honor he was due.
And with a calm determination looking straight into my eyes, he returned the salute understanding exactly what we both already knew.
I made many trips walking by that house looking for a ribbon to let me know he was back.
And just about a year later there was a ribbon tied to the tree but it wasn't red, it was black.
As I walked by a young man standing in front of his home wearing his desert camouflage waiting for his ride and as I walked up to him he cradled his gun.
And I couldn't help myself from asking ''What's your name son?''

Thank you, Bill, for your incredible tribute to our veterans, just as we prepare to mark Veterans Day in 2021 and honor the sacrifices they make on our behalf.●

REMEMBERING JOVITA MOORE

● Mr. OSSOFF. Mr. President, the State of Georgia is mourning legendary broadcast journalist Jovita Moore. Jovita was a trailblazer, a great journalist, and an Atlanta icon. She began her career in journalism in Memphis, TN, and Fayetteville, AR, before joining WSB-TV in Atlanta in 1998. She became a full-time anchor at WSB-TV in 2012, delivering Atlantans the news each afternoon and holding the powerful to account.

Born in New York, Jovita earned a bachelor of arts degree from Bennington College in Bennington, VT, before earning a master of science degree in broadcast journalism from Columbia University's Graduate School of Journalism in New York City.

Jovita's career helped blaze the trail for other women and those from diverse backgrounds in journalism. She was a member of the Atlanta Association of Black Journalists and the National Association of Black Journalists and won multiple Emmy awards throughout her time at WSB-TV. Her excellence and example have undoubtedly inspired countless others to follow in her footsteps. In 2017, Jovita was inducted into The National Academy of Television Arts & Sciences Southeast Chapter's Silver Circle, one of its most prestigious career awards.

Jovita gave back to the community, taking time out of her busy schedule to mentor others and help them realize their true potential. She and her family would help deliver meals during the holidays, demonstrating commitment to helping those in need.

Jovita's spirit, optimism, and kindness radiated in everything she did. When she was diagnosed with glioblastoma earlier this year, the city of Atlanta and the entire Nation rallied around Jovita, just as she had for them throughout her career. She never gave up hope, using her diagnosis to spread awareness and encourage others to visit the doctor, stay vigilant, and get regular screenings. Jovita put her community first. Jovita Moore was a loving mother, daughter, and friend. She said her children were her life's most important accomplishments.

I thank my colleagues in the U.S. Senate for joining me in honoring the life and legacy of Jovita Moore and sending our deepest condolences to her children—Lauren, Shelby, and Joshua—to her mother, family, and friends and the entire WSB-TV family. May her memory be a blessing.●

RECOGNIZING COMMUNITY HEALTH CENTERS OF BURLINGTON

● Mr. SANDERS. Mr. President, I rise today to recognize the Community Health Centers of Burlington for 50 years of extraordinary service.

Today, the Community Health Centers of Burlington—CHCB—is the second largest federally qualified health center—FQHC—in Vermont, serving over 30,000 patients at eight locations. Fifty years ago, when they opened their doors in 1971 as the People's Free Clinic in a small storefront in Burlington's Old North End, the center was run by volunteers and served just 50 patients each week. And while they have grown tremendously since those early days, CHCB has maintained a commitment to what the founders of the clinic at the time described as ''a new kind of health care,'' rooted in the understanding that people from all walks of life deserves high quality, affordable healthcare.

In 1989, CHCB was designated as a federal Healthcare for the Homeless site and, in 1993, officially became an FQHC. Becoming an FQHC meant CHCB was able to access important grants from the Federal Government, improvement reimbursement rate for care, and offer a sliding fee scale, so no one would be turned away because they could not afford the care they needed. But let me be clear: Health centers like CHCB are not exclusively for those who have nowhere else to go. For many people living in the Burlington area and across Vermont, community health centers like CHCB are the provider of choice because they provide timely access to high-quality care in community-centered clinics. In fact, today, approximately one-third of all CHCB patients are covered by private health insurance. Another reason that FQHCs are so popular and used by so many people in Vermont and across the country is that they also offer dental care. CHCB first added dental services into its main site in 2004, and today, 7000 patients receive dental care at one of three CHCB locations. Further, in addition to offering primary care and oral healthcare, FQHCs also offer mental healthcare and substance use disorder treatment, as well as low-cost prescription drugs. It is clear why nearly one-in-three Vermonters rely on FQHCs like CHCB for their care.

In 2012, the Community Health Centers of Burlington was able to utilize funding from the American Recovery and Reinvestment Act to renovate its main location, known as the Riverside Health Center, allowing for updated patient care rooms; laboratory space; dental operatories; and integrated psychiatry, counseling, and substance use

disorder treatment. Understanding that many Vermonters outside of the Burlington area struggled to access affordable care, CHCB established a rural practice in the Champlain Islands. The health center also expanded into Winooski in 2017, in partnership with Winooski Family Health. But CHCB's expansion is not simply about growing the number of locations. They have also continued to expand the services offered, including ensuring they can offer culturally competent care to the growing New American community. Today, CHCB offers translation services to over 45 languages at their sites, making care not just affordable but understandable to all who need it.

The Community Health Centers of Burlington is an excellent example of why federally qualified health centers are so important. To my mind, there is no question that healthcare is a human right and health centers like CHCB play an enormously important role in making sure that no one is denied care because of their income. That is why I have continually fought to protect and expand Federal funding for community health centers throughout my time in Congress. I am proud that during the negotiations of the Affordable Care Act, I was successful in securing mandatory funding for these health centers, knowing that they would be better served by knowing that they could rely on funding for the Federal Government for years to come. I have continued to fight for funding for FHQCs during the response to the COVID–19 pandemic, knowing how critical they are to keeping patients healthy and connected to their communities during these extremely challenging times. I am grateful to all of my colleagues here in the Senate and in the House of Representatives who have joined me in this effort throughout the years.

To the staff of CHCB, I want to say that I know that your hard work and dedication is at the heart of CHCB's success. I know it is not always easy to work in primary care, and I am grateful for your efforts. And to the patients who rely on CHCB each year, know that I am glad you have entrusted your care to them and that I will do everything in my power to ensure they are there to care for you for decades to come. And as you take time to celebrate your many successes over the past 50 years, I know you are also looking toward the opportunities and challenges that lay ahead for the future. I look forward to continuing to work with you to tackle the challenges, like further expanding access and care, reducing costs, and recruiting and retaining a talented workforce dedicated to primary care. I will also stand with you as you find new opportunities for success and growth. While the issues we face are enormous, I know that community health centers like CHCB are a key to solving them.

I sincerely congratulate the entire Community Health Centers of Burlington family on this momentous occasion and wish you another 50 years of delivering compassionate, professional, and innovative healthcare services to your fellow Vermonters.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 108. An act to authorize the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes.

The message further announced that the House—has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1975. An act to take certain land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians, and for other purposes.

H.R. 2088. An act to take certain Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee Indians, and for other purposes.

H.R. 3462. An act to require an annual report on the cybersecurity of the Small Business Administration, and for other purposes.

H.R. 3469. An act to amend the Small Business Act to codify the Boots to Business Program, and for other purposes.

H.R. 3616. An act to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Bear River National Heritage Area, and for other purposes.

H.R. 4256. An act to amend the Small Business Investment Act of 1958 to increase the amount that certain banks and savings associations may invest in small business investment companies, subject to the approval of the appropriate Federal banking agency, and for other purposes.

H.R. 4481. An act to amend the Small Business Act to establish requirements for 7(a) agents, and for other purposes.

H.R. 4515. An act to amend the Small Business Act to require cyber certification for small business development center counselors, and for other purposes.

H.R. 4531. An act to amend the Small Business Act to require a report on 7(a) agents, and for other purposes.

H.R. 4881. An act to direct the Secretary of the Interior to take into trust for the Pascua Yaqui Tribe of Arizona certain land in Pima County, Arizona, and for other purposes.

H.R. 5221. An act to amend the Indian Health Care Improvement Act to establish an urban Indian organization confer policy for the Department of Health and Human Services, and for other purposes.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. LEAHY) announced that on today, November 3, 2021, he has signed the following enrolled bills, which were previously signed by the Speaker of the House:

S. 921. An act to amend title 18, United States Code, to further protect officers and employees of the United States, and for other purposes.

S. 1502. An act to make Federal law enforcement officer peer support communications confidential, and for other purposes.

H.R. 2911. An act to direct the Secretary of Veterans Affairs to submit to Congress a plan for obligating and expending Coronavirus pandemic funding made available to the Department of Veterans Affairs, and for other purposes.

H.R. 3475. An act to name the Department of Veterans Affairs community-based outpatient clinic in Columbus, Georgia, as the ''Robert S. Poydasheff VA Clinic''.

H.R. 3919. An act to ensure that the Federal Communications Commission prohibits authorization of radio frequency devices that pose a national security risk.

H.R. 4172. An act to name the Department of Veterans Affairs community-based outpatient clinic in Aurora, Colorado, as the ''Lieutenant Colonel John W. Mosley VA Clinic''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1975. An act to take certain land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 2088. An act to take certain Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 3462. An act to require an annual report on the cybersecurity of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 3469. An act to amend the Small Business Act to codify the Boots to Business Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 3616. An act to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Bear River National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4256. An act to amend the Small Business Investment Act of 1958 to increase the amount that certain banks and savings associations may invest in small business investment companies, subject to the approval of the appropriate Federal banking agency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4481. An act to amend the Small Business Act to establish requirements for 7(a) agents, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 4515. An act to amend the Small Business Act to require cyber certification for small business development center counselors, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 4531. An act to amend the Small Business Act to require a report on 7(a) agents, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 4881. An act to direct the Secretary of the Interior to take into trust for the Pascua Yaqui Tribe of Arizona certain land in Pima County, Arizona, and for other purposes; to the Committee on Indian Affairs.

H.R. 5221. An act to amend the Indian Health Care Improvement Act to establish an urban Indian organization confer policy for the Department of Health and Human Services; to the Committee on Indian Affairs.

PRIVILEGED NOMINATIONS REFERRED TO COMMITTEE

On request by Senator RICK SCOTT, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Commerce, Science, and Transportation: Viquar Ahmad, of Texas, to be an Assistant Secretary of Commerce, vice Thomas F. Gilman.

On request by Senator RICK SCOTT, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Commerce, Science, and Transportation: Viquar Ahmad, of Texas, to be Chief Financial Officer, Department of Commerce, vice Thomas F. Gilman.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2560. A communication from the Associate General Counsel, Department of Agriculture, transmitting, pursuant to law, ten (10) reports relative to vacancies in the Department of Agriculture, received in the Office of the President of the Senate on October 28, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2561. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report for calendar year 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2562. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General John E. Hyten, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–2563. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Department of State Rescission of Determination Regarding Sudan (DFARS Case 2021–D027)'' (RIN0750–AL46) received in the Office of the President of the Senate on October 28, 2021; to the Committee on Armed Services.

EC–2564. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act of 1974; Implementation'' (RIN0790–AL17) received in the Office of the President of the Senate on October 28, 2021; to the Committee on Armed Services.

EC–2565. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Logistics Agency Privacy Program'' (RIN0790–AK69) received in the Office of the President of the Senate on October 28, 2021; to the Committee on Armed Services.

EC–2566. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13712 with respect to Burundi; to the Committee on Banking, Housing, and Urban Affairs.

EC–2567. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13851 with respect to Nicaragua; to the Committee on Banking, Housing, and Urban Affairs.

EC–2568. A communication from the Chief Human Capital Officer, Consumer Financial Protection Bureau, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Consumer Financial Protection Bureau, received in the Office of the President of the Senate on October 28, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–2569. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Filing Fee Disclosure and Payment Methods Modernization'' (RIN3235–AL96) received in the Office of the President of the Senate on October 25, 2021; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2044. An act to designate the facility of the United States Postal Service located at 17 East Main Street in Herington, Kansas, as the ''Captain Emil J. Kapaun Post Office Building''.

H.R. 3419. An act to designate the facility of the United States Postal Service located at 66 Meserole Avenue in Brooklyn, New York, as the ''Joseph R. Lentol Post Office''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

Lisa A. Carty, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Lisa A. Carty, of Maryland, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Nominee: Lisa Carty.

Post: Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and as Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Lisa Carty*, $500, 9/13/20, Biden Victory Fund; Lisa Carty*, $500, 8/21/20, Biden Victory Fund; Lisa Carty*, $100, 6/19/18, S.Hader/Act Blue; Lisa Carty, $250, 12/17/17, S.Hader/Act Blue.

William Burns, $500, 10/14/20, Biden for President; William Burns, $100, 9/14/20, Biden/Act Blue; William Burns, $100, 9/7/20, Act Blue; William Burns, $500, 5/13/20, Biden for President; William Burns, $2,500, 4/28/20, International Paper/PAC; William Burns, $500, 11/22/19, Biden for President; William Burns, $3,000, 5/01/19, International Paper/PAC; William Burns, $3,000, 8/24/18, International Paper/PAC; William Burns, $100, 6/28/18, Act Blue; William Burns, $100, 2/24/18, Act Blue/Meier; William Burns, $3,000, 11/13/17, International Paper/PAC; William Burns, $250, 9/18/17, Meier for Congress; William Burns, $250, 6/13/17, Meier for Congress.

*Please note that the contributions marked with an asterisk are double reported on the FEC.Gov website.

Peter D. Haas, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Nominee: Peter David Haas.

Post: Ambassador Extraordinary and Plenipotentiary of the United States to the People's Republic of Bangladesh.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: None.

Amy Haas (spouse): None.

Julie Chung, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka.

Nominee: Julie Chung.

Post: Sri Lanka.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: None.

Jose Collazo (spouse): None.

Patricia Mahoney, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Patricia Mahoney.

Post: Ambassador Extraordinary and Plenipotentiary to the Central African Republic.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
Self: None, N/A, N/A, N/A.

Julissa Reynoso Pantaleon, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Andorra.

Nominee: Julissa Reynoso.

Post: US Embassy in Spain and Andorra.

Nominated: July 28, 2021.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, donee, date, and amount:

See attached. All contributions are from Julissa Reynoso (self).

Other immediate family member is Lucas Nuñez Reynoso (son, age 5) He has not made any contributions.

ATTACHMENT

Latino Victory Fund, 3/12/2018, $5,000.00.
DNC Services Corp./Dem. Nat'l Committee, 12/5/2017, $827.77.
Latino Victory Fund, 6/30/2017, $1,000.00.
DNC Services Corp./Dem. Nat'l Committee, 6/30/2017, $5,000.00.
Cortez Masto Victory Fund, 9/28/2017, $1,000.00.
Espaillat for Congress 2018, 10/18/2018, $500.00.
Espaillat for Congress 2018, 10/18/2018, $500.00.
Max Rose for Congress, 4/24/2018, $500.00.
Veronica Escobar for Congress, 9/28/2017, $250.00.
Ed Meier for Congress, 5/10/2017, $250.00.
Ed Meier for Congress, 9/29/2017, $250.00.
Catherine Cortez Masto for Senate, 9/30/2017, $1,000.00.
Catherine Cortez Masto for Senate, 9/30/2017, $1,000.00.
Cory Booker for Senate, 2/20/2018, $500.00.
DNC Services Corp./Dem. Nat'l Committee, 5/10/2018, $250.00.
DNC Services Corp./Dem. Nat'l Committee, 7/28/2017, $5,000.00.
All for Our Country Leadership PAC, 3/11/2019, $750.00.
Melissa Mark-Viverito for the Bronx, 9/30/2019, $250.00.
Biden for President, 4/25/2019, $2,800.00.
DNC Services Corp/Democratic National Committee, 5/13/2019, $5,000.00.
People First Future, 10/26/2019, $250.00.
Max Rose for Congress, 2/6/2020, $500.00.
Melissa Mark-Viverito for the Bronx, 4/29/2020, $250.00.
DNC Services Corp/Democratic National Committee, 9/16/2019, $1,000.00.
DSCC, 6/23/2020, $1,000.00.
Biden for President, 6/1/2020, $2,800.00.
Dan for Colorado, 8/13/2019, $250.00.
Debbie for Congress, 10/5/2020, $500.00.
Biden Victory Fund, 6/1/2020, $2,800.00.
Biden Victory Fund, 8/22/2020, $214.06.
Theresa Greenfield for Iowa, 9/22/2020, $250.00.
DNC Services Corp/Democratic National Committee, 8/22/2020, $214.06.

Peter Hendrick Vrooman, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Peter Hendrick Vrooman.

Post: Ambassador Extraordinary and Plenipotentiary to the Republic of Mozambique.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
Self: None.
Johnette Iris Stubbs: None.

Jonathan Eric Kaplan, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Nominee: Jonathan Eric Kaplan.

Post: Ambassador Extraordinary and Plenipotentiary to the Republic of Singapore.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
Self: None.

Elizabeth Anne Noseworthy Fitzsimmons, of Delaware, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Nominee: Elizabeth Anne Noseworthy Fitzsimmons.

Post: Republic of Togo.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
Richard Roman Seipert: None.
Elizabeth Anne Noseworthy Fitzsimmons: None.

Brian Wesley Shukan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Nominee: Brian Wesley Shukan.

Post: Benin.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
Self: None.
Spouse: None.

David R. Gilmour, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Nominee: David R. Gilmour.

Post: Equatorial Guinea.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
Self: None.
Spouse: None.

R. Nicholas Burns, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Nominee: R. Nicholas Burns.

Post: People's Republic of China.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
Self, $250, 10/28/2020, Tom Malinowski For Congress.
Self, $500, 10/28/2020, Biden for President.
Self, $500, 10/14/2020, Biden for President.
Spouse, $1000, 9/21/20, Biden for President.
Spouse, $50, 9/21/20, ACTBLUE: Amy McGrath U.S. Senate.
Self, $1000, 9/14/20, Biden Victory Fund. (This was likely distributed by the Biden Victory Fund to Biden for President.)
Self, $1000, 9/14/20, Biden for President*.
*The FEC report shows this second $1000 contribution on 09/14/20 to Biden for President. This appears to be duplicative as my records do not show such a contribution.
Self, $1000, 06/01/20, Biden for President—Primary Election.
Self, $1000, 06/01/20, Biden for President—Primary Election.
Self, $1000, 05/14/20, Kennedy for Massachusetts.
Spouse, $25, 02/11/2020, ACTBLUE for Amy Klobuchar.
Spouse, $100, 09/30/2019, Warren for President.
Spouse, $100, 09/30/2019, ACTBLUE.
Spouse, $500, 07/07/2019, Warren for President.
Self, $1000, 05/03/2019, The Reed Committee.
Spouse, $100, 02/09/2019, ACTBLUE.
Self, $500, 10/16/2018, Soderberg for Congress.
Self, $500, 10/16/2018, Tom Malinowski for Congress.
Self, $1000, 09/30/2018, Jesse Colvin for Congress.
Self, $250, 12/23/17, Tom Malinowski for Congress.
Self, $250, 12/23/2017, Soderberg for Congress.

Rahm Emanuel, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

Nominee: Rahm Emanuel.

Post: Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
Delauro Victory Fund: $10,000, 11/2/2020, Rahm Emanuel; Friends of Rosa Delauro: $2,800, 11/2/2020, Rahm Emanuel; Democratic Party of Illinois*: $28.80, 10/19/2018, Chicago for Rahm Emanuel.
*Reimbursement
Biden for President: $100, 11/2/2020, Amy M. Rule; ACTBLUE*, $100, 11/2/2020, Amy Rule; ACTBLUE*: $25.00, 10/24/2020, Amy Rule; ACTBLUE*: $100, 08/31/2020, Amy Rule; ACTBLUE*: $100, 08/20/2020, Amy Rule.
*Earmarked Biden for President

Barbara A. Leaf, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs). Atul Atmaram Gawande, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

Mr. MENENDEZ. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Christopher Alexander and ending with Mark Russell, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2021. (minus 1 nominee: Leon Skarshinski)

Foreign Service nominations beginning with Jim Nelson Barnhart, Jr. and ending with Teresa L. McGhie, which nominations were received by the Senate and appeared in the Congressional Record on June 22, 2021.

By Mr. BROWN for the Committee on Banking, Housing, and Urban Affairs.

*Judith DelZoppo Pryor, of Ohio, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2025.

*Owen Edward Herrnstadt, of Maryland, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2025.

*Matthew S. Axelrod, of Maryland, to be an Assistant Secretary of Commerce.

*Reta Jo Lewis, of Georgia, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2025.

By Mr. WYDEN for the Committee on Finance.

*Chris Magnus, of Arizona, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

By Mr. PETERS for the Committee on Homeland Security and Governmental Affairs.

*Ernest W. DuBester, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2024.

*Susan Tsui Grundmann, of Virginia, to be Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2025.

*Kurt Thomas Rumsfeld, of Maryland, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 3144. A bill to establish the Sutton Mountain National Monument, to authorize certain land exchanges in the State of Oregon, to convey certain Bureau of Land Management land in the State of Oregon to the city of Mitchell, Oregon, and Wheeler County, Oregon, for conservation, economic, and community development purposes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASSIDY (for himself, Mr. KENNEDY, Mr. INHOFE, Mr. RUBIO, and Mr. SCOTT of Florida):

S. 3145. A bill to amend the Natural Gas Act to expedite approval of exports of small volumes of natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Ms. LUMMIS, Mrs. BLACKBURN, Mr. KENNEDY, Mr. CRUZ, Mr. BRAUN, and Mr. WICKER):

S. 3146. A bill to appropriate $25,000,000,000 for the construction of a border wall between the United States and Mexico, and for other purposes; to the Committee on Finance.

By Ms. ROSEN (for herself and Ms. ERNST):

S. 3147. A bill to provide members of the reserve components access to the Tour of Duty system; to the Committee on Armed Services.

By Ms. HASSAN (for herself and Mr. GRASSLEY):

S. 3148. A bill to modify the semiannual reports submitted by Inspectors General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MERKLEY (for himself and Ms. SMITH):

S. 3149. A bill to direct the Secretary of Health and Human Services to establish within the Office of the Director of the Centers for Disease Control and Prevention the Office of Rural Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Ms. HASSAN):

S. 3150. A bill to require the United States Postal Service to designate a single, unique ZIP code for Swanzey, New Hampshire; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRUZ (for himself, Mr. JOHNSON, and Mr. INHOFE):

S. 3151. A bill to require the Secretary of State to submit a report to Congress on the designation of the Muslim Brotherhood as a foreign terrorist organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. BARRASSO:

S. 3152. A bill to amend the Energy Policy Act of 2005 to disqualify certain borrowers from receiving a guarantee for a project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRUZ (for himself, Mr. TILLIS, Mr. BRAUN, Mr. BARRASSO, Mr. TOOMEY, Mr. LANKFORD, and Mr. INHOFE):

S. 3153. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

By Mr. DAINES (for himself, Mr. BURR, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. MARSHALL, Mr. TUBERVILLE, Mr. COTTON, Mr. KENNEDY, Mr. LEE, Mrs. BLACKBURN, Mr. JOHNSON, Mr. CASSIDY, Ms. LUMMIS, Mr. BRAUN, Mr. CRAMER, Mr. HOEVEN, Mr. YOUNG, Mr. TOOMEY, Mr. RUBIO, Ms. ERNST, Mr. GRASSLEY, Mr. BOOZMAN, Mr. WICKER, Mrs. CAPITO, Ms. COLLINS, Mr. RISCH, Mr. CRAPO, Mr. BARRASSO, and Mr. SCOTT of South Carolina):

S. 3154. A bill to prohibit cash settlements resulting from the lawful application of the zero tolerance policy; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. WYDEN):

S. 3155. A bill to impose sanctions with respect to individuals responsible for the death of Jamal Khashoggi, to protect human rights in the sale, export, and transfer of defense articles and defense services to Saudi Arabia, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. MURPHY, Mr. VAN HOLLEN, Ms. WARREN, Ms. STABENOW, and Mr. DURBIN):

S. 3156. A bill to require Federal agencies to maintain plans for responding to, mitigating, and adapting to climate change, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, Mr. COONS, and Ms. MURKOWSKI):

S. 3157. A bill to require the Secretary of Labor to conduct a study of the factors affecting employment opportunities for immigrants and refugees with professional credentials obtained in foreign countries; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 3158. A bill to establish a committee to advise space licensing authorities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. ERNST (for herself, Mr. RUBIO, Mr. BRAUN, and Mr. WICKER):

S. 3159. A bill to restrict the use of Federal Funds for gain-of-function research in the People's Republic of China; to the Committee on Foreign Relations.

By Mr. LUJÁN (for himself, Mr. MENENDEZ, Mr. PADILLA, Mr. BOOKER, Mr. HEINRICH, and Ms. WARREN):

S. 3160. A bill to increase transparency, accountability, and community engagement within the Department of Homeland Security, to provide independent oversight of border security activities, to improve training for agents and officers of U.S. Customs and Border Protection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BLACKBURN (for herself and Mrs. GILLIBRAND):

S. 3161. A bill to require the Secretary of Defense to carry out a pilot program to supplement the Transition Assistance Program of the Department of Defense; to the Committee on Armed Services.

By Mrs. FEINSTEIN:

S. 3162. A bill to clarify the authority of States to use National Guard members performing Active Guard and Reserve duty during State-directed responses to domestic incidents; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNOCK (for himself, Mr. MARSHALL, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mr. DURBIN, Mr. BOOKER, Ms. BALDWIN, Mr. MURPHY, Mr. PADILLA, Mr. TESTER, Ms. DUCKWORTH, Ms. HIRONO, Mr. COONS, Ms. COLLINS, Mr. RISCH, Mr. CRAPO, Mrs. CAPITO, Mr. GRASSLEY, and Mr. SCOTT of South Carolina):

S. Res. 437. A resolution expressing support for the designation of November 8, 2021, as ''National First-Generation College Celebration Day''; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mrs. BLACKBURN, Ms. CANTWELL, Mr. RUBIO, Ms. SINEMA, Ms. ERNST, Mr. LUJÁN, Mr. MCCONNELL, Ms. ROSEN, Mr. HAGERTY, Mr. BROWN, Mrs. HYDE-SMITH, Mr. MANCHIN, and Mr. GRASSLEY):

S. Res. 438. A resolution designating October 30, 2021, as a national day of remembrance for the workers of the nuclear weapons program of the United States; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. BOOKER, Mr. WICKER, Ms. KLOBUCHAR, Mr. BRAUN, Mr. WARNOCK, Mrs. BLACKBURN, Ms. WARREN, Mr. RUBIO, Mr. WHITEHOUSE, Mr. REED, and Mr. VAN HOLLEN):

S. Res. 439. A resolution expressing support for the designation of the week of November 1 through November 5, 2021, as ''National Family Service Learning Week''; considered and agreed to.

By Mr. MORAN (for himself, Mr. TESTER, and Mr. COTTON):

S. Con. Res. 19. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the 100th anniversary of the dedication of the Tomb of the Unknown Soldier; considered and agreed to.

ADDITIONAL COSPONSORS

S. 172

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 172, a bill to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 535

At the request of Ms. ERNST, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Rhode Island (Mr. REED), the Senator from Alaska (Mr. SULLIVAN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 535, a bill to authorize the location of a memorial on the National Mall to commemorate and honor the members of the Armed Forces that served on active duty in support of the Global War on Terrorism, and for other purposes.

S. 766

At the request of Ms. CORTEZ MASTO, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 766, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with consumer claim awards.

S. 1136

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1136, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 1210

At the request of Mr. BLUMENTHAL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1210, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 1374

At the request of Mr. WICKER, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 1374, a bill to direct the Director of the National Science Foundation to support STEM education and workforce development research focused on rural areas, and for other purposes.

S. 1383

At the request of Mr. CORNYN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 1383, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes.

S. 1404

At the request of Mr. MARKEY, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 1404, a bill to award a Congressional Gold Medal to the 23d Headquarters Special Troops and the 3133d Signal Service Company in recognition of their unique and distinguished service as a ''Ghost Army'' that conducted deception operations in Europe during World War II.

S. 1488

At the request of Ms. DUCKWORTH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1488, a bill to amend title 37, United States Code, to establish a basic needs allowance for low-income regular members of the Armed Forces.

S. 1755

At the request of Mr. TILLIS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1755, a bill to amend the Defense Production Act of 1950 to include the Secretary of Agriculture as a member of the Committee on Foreign Investment in the United States, and for other purposes.

S. 1813

At the request of Mr. COONS, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 1813, a bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

S. 2120

At the request of Mr. RUBIO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2120, a bill to establish the United States-Israel Artificial Intelligence Center to improve artificial intelligence research and development cooperation.

S. 2144

At the request of Ms. CORTEZ MASTO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2144, a bill to clarify the eligibility for participation of peer support specialists in the furnishing of behavioral health integration services under the Medicare program.

S. 2342

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2342, a bill to amend title 9 of the United States Code with respect to arbitration of disputes involving sexual assault and sexual harassment.

S. 2372

At the request of Mr. HEINRICH, the names of the Senator from Tennessee (Mr. HAGERTY) and the Senator from Georgia (Mr. OSSOFF) were added as cosponsors of S. 2372, a bill to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

S. 2379

At the request of Mr. WARNER, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 2379, a bill to amend the General Education Provisions Act to allow the release of education records to facilitate the award of a recognized postsecondary credential.

S. 2565

At the request of Ms. ROSEN, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 2565, a bill to amend title XI of the Social Security Act to provide for the testing of a community-based palliative care model.

S. 2756

At the request of Mr. DAINES, the names of the Senator from Connecticut (Mr. MURPHY), the Senator from North Carolina (Mr. TILLIS), the Senator from North Carolina (Mr. BURR), the Senator from Michigan (Ms. STABENOW) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2756, a bill to posthumously award a Congressional Gold Medal, in commemoration of the service members who perished as a result of the attack in Afghanistan on August 26, 2021, during the evacuation of citizens of the United States and Afghan allies at Hamid Karzai International Airport, and for other purposes.

S. 2780

At the request of Mr. MARSHALL, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 2780, a bill to amend title 10, United States Code, to prohibit certain adverse personnel actions taken against members of the Armed Forces based on declining the COVID–19 vaccine.

S. 2876

At the request of Mrs. SHAHEEN, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 2876, a bill to prioritize the efforts of, and to enhance coordination among, United States agencies to encourage countries in Central and Eastern Europe to improve the security of their telecommunications networks, and for other purposes.

S. 2907

At the request of Ms. WARREN, the names of the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2907, a bill to establish the Truth and Healing Commission on Indian Boarding School Policies in the United States, and for other purposes.

S. 2934

At the request of Mr. TOOMEY, the name of the Senator from Arizona (Ms.

SINEMA) was added as a cosponsor of S. 2934, a bill to amend the Trade Expansion Act of 1962 to impose limitations on the authority of the President to adjust imports that are determined to threaten to impair national security, and for other purposes.

S. 2937

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2937, a bill to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes.

S. 3108

At the request of Ms. HIRONO, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 3108, a bill to provide counsel for unaccompanied children, and for other purposes.

S. CON. RES. 11

At the request of Ms. SINEMA, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution providing for an annual joint hearing of the Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives to receive a presentation from the Comptroller General of the United States regarding the audited financial statement of the executive branch.

S. RES. 360

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 360, a resolution celebrating the 30th anniversary of the independence of Ukraine from the former Soviet Union.

S. RES. 390

At the request of Mr. GRAHAM, the names of the Senator from Indiana (Mr. BRAUN) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. Res. 390, a resolution expressing appreciation for the State of Qatar's efforts to assist the United States during Operation Allies Refuge.

AMENDMENT NO. 3886

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 3886 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3940

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 3940 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3944

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of amendment No. 3944 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3945

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 3945 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3965

At the request of Ms. HIRONO, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 3965 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3971

At the request of Mrs. GILLIBRAND, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Mr. PETERS) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of amendment No. 3971 intended to be proposed to H. R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3974

At the request of Mrs. GILLIBRAND, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of amendment No. 3974 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3975

At the request of Mrs. GILLIBRAND, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of amendment No. 3975 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3990

At the request of Ms. ERNST, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of amendment No. 3990 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4021

At the request of Ms. ERNST, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Michigan (Mr. PETERS), the Senator from Maine (Ms. COLLINS), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Mississippi (Mr. WICKER), the Senator from Indiana (Mr. BRAUN), the Senator from Missouri (Mr. HAWLEY), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of amendment No. 4021 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4033

At the request of Ms. BALDWIN, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of amendment No. 4033 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4035

At the request of Ms. BALDWIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 4035 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4047

At the request of Mr. CRUZ, the names of the Senator from New York

(Mrs. GILLIBRAND), the Senator from Alaska (Ms. MURKOWSKI), the Senator from New Mexico (Mr. LUJÁN), the Senator from Delaware (Mr. COONS), the Senator from North Dakota (Mr. CRAMER), the Senator from Missouri (Mr. HAWLEY) and the Senator from Kansas (Mr. MARSHALL) were added as cosponsors of amendment No. 4047 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4051

At the request of Mr. CRUZ, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of amendment No. 4051 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4077

At the request of Ms. ERNST, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of amendment No. 4077 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4078

At the request of Mr. OSSOFF, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of amendment No. 4078 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4082

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of amendment No. 4082 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4093

At the request of Mr. MARSHALL, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of amendment No. 4093 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4138

At the request of Mrs. GILLIBRAND, the names of the Senator from New Hampshire (Ms. HASSAN), the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Mr. PETERS) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of amendment No. 4138 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4146

At the request of Mr. TUBERVILLE, the names of the Senator from Kansas (Mr. MARSHALL) and the Senator from Iowa (Ms. ERNST) were added as cosponsors of amendment No. 4146 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 437—EXPRESSING SUPPORT FOR THE DESIGNATION OF NOVEMBER 8, 2021, AS ''NATIONAL FIRST-GENERATION COLLEGE CELEBRATION DAY''

Mr. WARNOCK (for himself, Mr. MARSHALL, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mr. DURBIN, Mr. BOOKER, Ms. BALDWIN, Mr. MURPHY, Mr. PADILLA, Mr. TESTER, Ms. DUCKWORTH, Ms. HIRONO, Mr. COONS, Ms. COLLINS, Mr. RISCH, Mr. CRAPO, Mrs. CAPITO, Mr. GRASSLEY, and Mr. SCOTT of South Carolina) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 437

Whereas November 8 is the anniversary of the signing of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) by President Lyndon B. Johnson on November 8, 1965;

Whereas the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) was focused on increasing postsecondary access and success for students, particularly for low-income and first-generation students;

Whereas the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) helped usher in programs necessary for postsecondary access, retention, and completion for low-income, first-generation college students, including the Federal TRIO Programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a);

Whereas the Federal TRIO Programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) are—

(1) the primary national effort supporting underrepresented students in postsecondary education; and

(2) designed to identify individuals from low-income, first-generation backgrounds in order to—

(A) prepare them for postsecondary education;

(B) provide them with support services; and

(C) motivate and prepare them for doctoral programs;

Whereas the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is the primary Federal investment in financial aid for low-income college students, and is used by students at institutions of higher education of their choice;

Whereas ''first-generation college student'' means—

(1) an individual whose parents did not complete a baccalaureate degree; or

(2) in the case of an individual who regularly resided with and received support from only 1 parent, an individual whose parent did not complete a baccalaureate degree;

Whereas first-generation college students may face additional academic, financial, and social challenges that lead to disparate outcomes in college access, completion, and labor market outcomes compared to their peers with parents who attended at least some college;

Whereas 56 percent of all college students currently pursuing degrees are first-generation college students;

Whereas, in 2017, the Council for Opportunity in Education and the Center for First-generation Student Success jointly launched the inaugural First-Generation College Celebration; and

Whereas the First-Generation College Celebration has continued to grow, and institutions of higher education, corporations, nonprofits, and elementary and secondary schools now celebrate November 8 as ''National First-Generation College Celebration Day'': Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the designation of November 8, 2021, as ''National First-Generation College Celebration Day''; and

(2) urges all people in the United States—

(A) to celebrate National First-Generation College Celebration Day throughout the United States;

(B) to recognize the important role that first-generation college students play in helping to develop the future workforce; and

(C) to celebrate the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and programs under that Act that help underrepresented students access higher education.

SENATE RESOLUTION 438—DESIGNATING OCTOBER 30, 2021, AS A NATIONAL DAY OF REMEMBRANCE FOR THE WORKERS OF THE NUCLEAR WEAPONS PROGRAM OF THE UNITED STATES

Mrs. MURRAY (for herself, Mrs. BLACKBURN, Ms. CANTWELL, Mr. RUBIO, Ms. SINEMA, Ms. ERNST, Mr. LUJÁN, Mr. MCCONNELL, Ms. ROSEN, Mr. HAGERTY, Mr. BROWN, Mrs. HYDE-SMITH, Mr. MANCHIN, and Mr. GRASSLEY) submitted the following resolution; which

was referred to the Committee on the Judiciary:

S. RES. 438

Whereas, since World War II, hundreds of thousands of patriotic men and women, including uranium miners, millers, and haulers, plutonium producers, and onsite participants at atmospheric nuclear weapons tests, have served the United States by building nuclear weapons for the defense of the United States;

Whereas dedicated workers paid a high price for advancing a nuclear weapons program at the service and for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contributions, services, and sacrifices that those patriotic men and women made for the defense of the United States in—

(1) Senate Resolution 151, 111th Congress, agreed to May 20, 2009;

(2) Senate Resolution 653, 111th Congress, agreed to September 28, 2010;

(3) Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

(4) Senate Resolution 519, 112th Congress, agreed to August 1, 2012;

(5) Senate Resolution 164, 113th Congress, agreed to September 18, 2013;

(6) Senate Resolution 417, 113th Congress, agreed to July 9, 2014;

(7) Senate Resolution 213, 114th Congress, agreed to September 25, 2015;

(8) Senate Resolution 560, 114th Congress, agreed to November 16, 2016;

(9) Senate Resolution 314, 115th Congress, agreed to October 30, 2017;

(10) Senate Resolution 682, 115th Congress, agreed to October 11, 2018;

(11) Senate Resolution 377, 116th Congress, agreed to October 30, 2019; and

(12) Senate Resolution 741, 116th Congress, agreed to September 30, 2020; and

Whereas those patriotic men and women deserve to be recognized for the contributions, services, and sacrifices they made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2021, as a national day of remembrance for the workers of the nuclear weapons program of the United States, including the uranium miners, millers, and haulers, plutonium producers, and onsite participants at atmospheric nuclear weapons tests; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2021, as a national day of remembrance for past and present workers of the nuclear weapons program of the United States.

SENATE RESOLUTION 439—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF NOVEMBER 1 THROUGH NOVEMBER 5, 2021, AS ''NATIONAL FAMILY SERVICE LEARNING WEEK''

Mr. CORNYN (for himself, Mr. BOOKER, Mr. WICKER, Ms. KLOBUCHAR, Mr. BRAUN, Mr. WARNOCK, Mrs. BLACKBURN, Ms. WARREN, Mr. RUBIO, Mr. WHITEHOUSE, Mr. REED, and Mr. VAN HOLLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 439

Whereas family service learning is a method under which children and families learn and solve problems together in a multigenerational approach with active participation in thoughtfully organized service that—

(1) is conducted in, and meets the needs of, their communities;

(2) is focused on children and families solving community issues together;

(3) requires the application of college and career readiness skills by children and relevant workforce training skills by adults; and

(4) is coordinated between the community and an elementary school, a secondary school, an institution of higher education, or a family community service program;

Whereas family service learning—

(1) is multi-generational learning that involves parents, children, caregivers, and extended family members in shared learning experiences in physical and digital environments;

(2) is integrated into and enhances the academic achievement of children or the educational components of a family service program in which families may be enrolled; and

(3) promotes skills (such as investigation, planning, and preparation), action, reflection, the demonstration of results, and sustainability;

Whereas family service learning has been shown to have positive multi-generational effects and encourages families to invest in their communities to improve economic and societal well-being;

Whereas, through family service learning, children and families have the opportunity to solve community issues and learn together, thereby enabling the development of life and career skills, such as flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility;

Whereas family service learning activities provide opportunities for families to improve essential skills, such as organization, research, planning, reading and writing, technological literacy, teamwork, and sharing;

Whereas families participating together in service are afforded quality time learning about their communities;

Whereas adults engaged in family service learning serve as positive role models for their children;

Whereas family service learning projects enable families to build substantive connections with their communities, develop a stronger sense of self-worth, experience a reduction in social isolation, and improve parenting skills;

Whereas family service learning has added benefits for English learners by helping individuals and families to—

(1) feel more connected with their communities; and

(2) practice language skills;

Whereas family service learning is particularly important for at-risk families because family service learning—

(1) provides opportunities for leadership and civic engagement; and

(2) helps build the capacity to advocate for the needs of children and families;

Whereas family service learning programs are equipped to face the unique challenges brought on by the COVID–19 pandemic through community engagement via video teleconferencing or in a socially distanced manner;

Whereas family service learning will remain relevant throughout the pandemic as communities face new challenges such as navigating remote learning, technological literacy, and building and maintaining new relationships within communities; and

Whereas the value that parents place on civic engagement and relationships within the community has been shown to transfer to children who, in turn, replicate important values, such as responsibility, empathy, and caring for others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of November 1 through November 5, 2021, as ''National Family Service Learning Week'' to raise public awareness about the importance of family service learning, family literacy, community service, and multigenerational learning experiences;

(2) encourages people across the United States to support family service learning and community development programs;

(3) recognizes the importance that family service learning plays in cultivating family literacy, civic engagement, and community investment; and

(4) calls upon public, private, and nonprofit entities to support family service learning opportunities to aid in the advancement of families.

SENATE CONCURRENT RESOLUTION 19—PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE 100TH ANNIVERSARY OF THE DEDICATION OF THE TOMB OF THE UNKNOWN SOLDIER

Mr. MORAN (for himself, Mr. TESTER, and Mr. COTTON) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 19

Resolved by the Senate (the House of Representatives concurring), That

SECTION 1. USE OF ROTUNDA OF THE CAPITOL.

The rotunda of the Capitol is authorized to be used on November 10, 2021, for a ceremony as part of the commemoration of the 100th anniversary of the dedication of the Tomb of the Unknown Soldier.

SEC. 2. PHYSICAL PREPARATIONS FOR THE CEREMONY.

Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4225. Mr. MERKLEY (for himself, Mr. WYDEN, Mr. PADILLA, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4226. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4227. Mr. RISCH (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4228. Mr. RISCH (for himself, Mr. HOEVEN, Mrs. CAPITO, Mr. CRAPO, Mr. KENNEDY, Ms. CORTEZ MASTO, Ms. MURKOWSKI, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4229. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4230. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4231. Mr. CRUZ (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4232. Mr. REED (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4233. Mr. REED (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4234. Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WARNER, Mr. RUBIO, Mr. RISCH, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4235. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4236. Mr. DAINES (for himself, Mr. MCCONNELL, Mr. BURR, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. MARSHALL, Mr. TUBERVILLE, Mr. COTTON, Mr. KENNEDY, Mr. LEE, Mrs. BLACKBURN, Mr. JOHNSON, Mr. CASSIDY, Ms. LUMMIS, Mr. BRAUN, Mr. CRAMER, Mr. HOEVEN, Mr. YOUNG, Mr. TOOMEY, Mr. RUBIO, Ms. ERNST, Mr. GRASSLEY, Mr. BOOZMAN, Mr. WICKER, Mrs. CAPITO, Ms. COLLINS, Mr. RISCH, Mr. CRAPO, Mr. HAWLEY, Mr. BARRASSO, and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4237. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4238. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4239. Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4240. Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. MERKLEY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4241. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4242. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4243. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4244. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4245. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4246. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4247. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4248. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4249. Ms. DUCKWORTH (for herself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4250. Mr. WHITEHOUSE (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4251. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4252. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4253. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4254. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4255. Ms. HASSAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4256. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4257. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4258. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4259. Mr. LUJÁN (for himself, Mr. CRAPO, Mr. KELLY, Mr. HEINRICH, Ms. ROSEN, Ms. CORTEZ MASTO, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4260. Mr. LUJÁN (for himself, Mr. CRAPO, Mr. KELLY, Mr. HEINRICH, Ms. ROSEN, Ms. CORTEZ MASTO, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4261. Mr. TESTER (for himself, Mr. GRASSLEY, Mr. BOOKER, Mr. DAINES, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4262. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4263. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4264. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4265. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4266. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4267. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4268. Mr. MURPHY (for himself, Mr. LEE, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4269. Mr. WICKER (for himself, Ms. COLLINS, Mr. KING, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4270. Ms. BALDWIN (for herself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4271. Mr. REED (for himself and Mr. INHOFE) submitted an amendment intended

to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4272. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4273. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. SCOTT of South Carolina, Mr. KING, Ms. CORTEZ MASTO, Mr. KELLY, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4274. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4275. Mr. DURBIN (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4276. Mr. BRAUN (for himself, Mr. TILLIS, Mrs. GILLIBRAND, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4225. Mr. MERKLEY (for himself, Mr. WYDEN, Mr. PADILLA, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1043. ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA; DESIGNATION OF COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA.—

(1) DEFINITIONS.—Section 3 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–1) is amended—

(A) in paragraph (1), by striking ''referred to in section 4(b)'' and inserting ''entitled 'Proposed Smith River National Recreation Area' and dated July 1990''; and

(B) in paragraph (2), by striking ''the Six Rivers National Forest'' and inserting ''an applicable unit of the National Forest System''.

(2) BOUNDARIES.—Section 4(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–2(b)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting ''and on the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019'' after ''1990''; and

(ii) in the second sentence, by striking ''map'' and inserting ''maps''; and

(B) in paragraph (2), by striking ''map'' and inserting ''maps described in paragraph (1)''.

(3) ADMINISTRATION.—Section 5 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–3) is amended—

(A) in subsection (b)—

(i) in paragraph (1), in the first sentence, by striking ''the map'' and inserting ''the maps''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''area shall be on'' and inserting ''area and any portion of the recreation area in the State of Oregon shall be on roadless''; and

(II) by adding at the end the following:

''(I) The Kalmiopsis Wilderness shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).'';

(B) in subsection (c), by striking ''by the amendments made by section 10(b) of this Act'' and inserting ''within the recreation area''; and

(C) by adding at the end the following:

''(d) STUDY; REPORT.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall conduct a study of the area depicted on the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019, that includes inventories and assessments of streams, fens, wetlands, lakes, other water features, and associated land, plants (including Port-Orford-cedar), animals, fungi, algae, and other values, and unstable and potentially unstable aquatic habitat areas in the study area.

''(2) MODIFICATION OF MANAGEMENT PLANS; REPORT.—On completion of the study under paragraph (1), the Secretary shall—

''(A) modify any applicable management plan to fully protect the inventoried values under the study, including to implement additional standards and guidelines; and

''(B) submit to Congress a report describing the results of the study.

''(e) WILDFIRE MANAGEMENT.—Nothing in this Act affects the authority of the Secretary (in cooperation with other Federal, State, and local agencies, as appropriate) to conduct wildland fire operations within the recreation area, consistent with the purposes of this Act.

''(f) VEGETATION MANAGEMENT.—Nothing in this Act prohibits the Secretary from conducting vegetation management projects (including wildfire resiliency and forest health projects) within the recreation area, to the extent consistent with the purposes of the recreation area.

''(g) APPLICATION OF NORTHWEST FOREST PLAN AND ROADLESS RULE TO CERTAIN PORTIONS OF THE RECREATION AREA.—Nothing in this Act affects the application of the Northwest Forest Plan or part 294 of title 36, Code of Federal Regulations (commonly referred to as the 'Roadless Rule') (as in effect on the date of enactment of this subsection), to portions of the recreation area in the State of Oregon that are subject to the plan and those regulations as of the date of enactment of this subsection.

''(h) PROTECTION OF TRIBAL RIGHTS.—

''(1) IN GENERAL.—Nothing in this Act diminishes any right of an Indian Tribe.

''(2) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with applicable Indian Tribes with respect to—

''(A) providing the Indian Tribes with access to the portions of the recreation area in the State of Oregon to conduct historical and cultural activities, including the procurement of noncommercial forest products and materials for traditional and cultural purposes; and

''(B) the development of interpretive information to be provided to the public on the history of the Indian Tribes and the use of the recreation area by the Indian Tribes.''.

(4) ACQUISITION.—Section 6(a) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–4(a)) is amended—

(A) in the fourth sentence, by striking ''All lands'' and inserting the following:

''(4) APPLICABLE LAW.—All land'';

(B) in the third sentence—

(i) by striking ''The Secretary'' and inserting the following:

''(3) METHOD OF ACQUISITION.—The Secretary'';

(ii) by striking ''or any of its political subdivisions'' and inserting '', the State of Oregon, or any political subdivision of the State of California or the State of Oregon''; and

(iii) by striking ''donation or'' and inserting ''purchase, donation, or'';

(C) in the second sentence, by striking ''In exercising'' and inserting the following:

''(2) CONSIDERATION OF OFFERS BY SECRETARY.—In exercising'';

(D) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(E) by adding at the end the following:

''(5) ACQUISITION OF CEDAR CREEK PARCEL.—On the adoption of a resolution by the State Land Board of Oregon and subject to available funding, the Secretary shall acquire all right, title, and interest in and to the approximately 555 acres of land known as the 'Cedar Creek Parcel' located in sec. 16, T. 41 S., R. 11 W., Willamette Meridian.''.

(5) FISH AND GAME.—Section 7 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–5) is amended—

(A) in the first sentence, by inserting ''or the State of Oregon'' after ''State of California''; and

(B) in the second sentence, by inserting ''or the State of Oregon, as applicable'' after ''State of California''.

(6) MANAGEMENT PLANNING.—Section 9 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–7) is amended—

(A) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(a) REVISION OF MANAGEMENT PLAN.—The Secretary''; and

(B) by adding at the end the following:

''(b) SMITH RIVER NATIONAL RECREATION AREA MANAGEMENT PLAN REVISION.—As soon as practicable after the date of the first revision of the forest plan after the date of enactment of this subsection, the Secretary shall revise the management plan for the recreation area—

''(1) to reflect the expansion of the recreation area into the State of Oregon under section 1043 of the National Defense Authorization Act for Fiscal Year 2022; and

''(2) to include an updated recreation action schedule to identify specific use and development plans for the areas described in the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019.''.

(7) STREAMSIDE PROTECTION ZONES.—Section 11(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–8(b)) is amended by adding at the end the following:

''(24) Each of the river segments described in subparagraph (B) of section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)).''.

(8) STATE AND LOCAL JURISDICTION AND ASSISTANCE.—Section 12 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–9) is amended—

(A) in subsection (a), by striking ''California or any political subdivision thereof'' and inserting ''California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon'';

(B) in subsection (b), in the matter preceding paragraph (1), by striking ''California or its political subdivisions'' and inserting

''California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon''; and

(C) in subsection (c), in the first sentence—

(i) by striking ''California and its political subdivisions'' and inserting ''California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon''; and

(ii) by striking ''State and its political subdivisions'' and inserting ''State of California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon''.

(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) NORTH FORK SMITH ADDITIONS, OREGON.—

(A) FINDING.—Congress finds that the source tributaries of the North Fork Smith River in the State of Oregon possess outstandingly remarkable wild anadromous fish and prehistoric, cultural, botanical, recreational, and water quality values.

(B) DESIGNATION.—Section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)) is amended—

(i) in subparagraph (B), by striking ''scenic'' and inserting ''wild'';

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) (as so redesignated), by striking ''The 13-mile'' and inserting the following:

''(A) IN GENERAL.—The 13-mile''; and

(iv) by adding at the end the following:

''(B) ADDITIONS.—The following segments of the source tributaries of the North Fork Smith River, to be administered by the Secretary of Agriculture in the following classes:

''(i) The 13.26-mile segment of Baldface Creek from its headwaters, including all perennial tributaries, to the confluence with the North Fork Smith in T. 39 S., R 10 W., T. 40 S., R. 10 W., and T. 41 S., R. 11 W., Willamette Meridian, as a wild river.

''(ii) The 3.58-mile segment from the headwaters of Taylor Creek to the confluence with Baldface Creek, as a wild river.

''(iii) The 4.38-mile segment from the headwaters of the unnamed tributary to Biscuit Creek and the headwaters of Biscuit Creek to the confluence with Baldface Creek, as a wild river.

''(iv) The 2.27-mile segment from the headwaters of Spokane Creek to the confluence with Baldface Creek, as a wild river.

''(v) The 1.25-mile segment from the headwaters of Rock Creek to the confluence with Baldface Creek, flowing south from sec. 19, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(vi) The 1.31-mile segment from the headwaters of the unnamed tributary number 2 to the confluence with Baldface Creek, flowing north from sec. 27, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(vii) The 3.6-mile segment from the 2 headwaters of the unnamed tributary number 3 to the confluence with Baldface Creek, flowing south from secs. 9 and 10, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(viii) The 1.57-mile segment from the headwaters of the unnamed tributary number 4 to the confluence with Baldface Creek, flowing north from sec. 26, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(ix) The 0.92-mile segment from the headwaters of the unnamed tributary number 5 to the confluence with Baldface Creek, flowing north from sec. 13, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(x) The 4.90-mile segment from the headwaters of Cedar Creek to the confluence with North Fork Smith River, as a wild river.

''(xi) The 2.38-mile segment from the headwaters of Packsaddle Gulch to the confluence with North Fork Smith River, as a wild river.

''(xii) The 2.4-mile segment from the headwaters of Hardtack Creek to the confluence with North Fork Smith River, as a wild river.

''(xiii) The 2.21-mile segment from the headwaters of the unnamed creek to the confluence with North Fork Smith River, flowing east from sec. 29, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xiv) The 3.06-mile segment from the headwaters of Horse Creek to the confluence with North Fork Smith River, as a wild river.

''(xv) The 2.61-mile segment of Fall Creek from the Oregon State border to the confluence with North Fork Smith River, as a wild river.

''(xvi)(I) Except as provided in subclause (II), the 4.57-mile segment from the headwaters of North Fork Diamond Creek to the confluence with Diamond Creek, as a wild river.

''(II) Notwithstanding subclause (I), the portion of the segment described in that subclause that starts 100 feet above Forest Service Road 4402 and ends 100 feet below Forest Service Road 4402 shall be administered as a scenic river.

''(xvii) The 1.02-mile segment from the headwaters of Diamond Creek to the Oregon State border in sec. 14, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(xviii) The 1.14-mile segment from the headwaters of Acorn Creek to the confluence with Horse Creek, as a wild river.

''(xix) The 8.58-mile segment from the headwaters of Chrome Creek to the confluence with North Fork Smith River, as a wild river.

''(xx) The 2.98-mile segment from the headwaters Chrome Creek tributary number 1 to the confluence with Chrome Creek, 0.82 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 15, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxi) The 2.19-mile segment from the headwaters of Chrome Creek tributary number 2 to the confluence with Chrome Creek, 3.33 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 12, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxii) The 1.27-mile segment from the headwaters of Chrome Creek tributary number 3 to the confluence with Chrome Creek, 4.28 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing north from sec. 18, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(xxiii) The 2.27-mile segment from the headwaters of Chrome Creek tributary number 4 to the confluence with Chrome Creek, 6.13 miles upstream from the mouth of Chrome Creek, flowing south from Chetco Peak in the Kalmiopsis Wilderness in sec. 36, T. 39 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxiv) The 0.6-mile segment from the headwaters of Wimer Creek to the border between the States of Oregon and California, flowing south from sec. 17, T. 41 S., R. 10 W., Willamette Meridian, as a wild river.''.

(2) EXPANSION OF SMITH RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (111) and inserting the following:

''(111) SMITH RIVER, CALIFORNIA AND OREGON.—The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to the Six Rivers National Forest boundary, including the following segments of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

''(A) MAINSTEM.—The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the Six Rivers National Forest boundary, as a recreational river.

''(B) ROWDY CREEK.—

''(i) UPPER.—The segment from and including the headwaters to the California-Oregon State line, as a wild river.

''(ii) LOWER.—The segment from the California-Oregon State line to the Six Rivers National Forest boundary, as a recreational river.''.

SA 4226. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 10_____. SUTTON MOUNTAIN AND PAINTED HILLS AREA WILDFIRE RESILIENCY PRESERVATION AND ECONOMIC ENHANCEMENT.

(a) DEFINITIONS.—In this section:

(1) ACTIVE HABITAT RESTORATION.—The term ''active habitat restoration'' means, with respect to an area, to restore and enhance the ecological health of the area through the use of management tools consistent with this section.

(2) CITY.—The term ''City'' means the city of Mitchell, Oregon.

(3) COUNTY.—The term ''County'' means Wheeler County, Oregon.

(4) ECOLOGICAL HEALTH.—The term ''ecological health'' means the ability of the ecological processes of a native ecosystem to function in a manner that maintains the structure, composition, activity, and resilience of the ecosystem over time, including an ecologically appropriate diversity of plant and animal communities, habitats, and conditions that are sustainable through successional processes.

(5) LANDOWNER.—The term ''landowner'' means an owner of non-Federal land that enters into a land exchange with the Secretary under subsection (c)(1).

(6) LOWER UNIT.—The term ''Lower Unit'' means the area that consists of the approximately 27,184 acres of land generally depicted as ''Proposed National Monument-Lower Unit'' on the Map.

(7) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Monument developed by the Secretary under subsection (b)(4)(B).

(8) MAP.—The term ''Map'' means the map prepared by the Bureau of Land Management entitled ''Sutton Complex-Painted Hills National Monument Proposal'' and dated October 27, 2021.

(9) MONUMENT.—The term ''Monument'' means the Sutton Mountain National Monument established by subsection (b)(1).

(10) PASSIVE HABITAT MANAGEMENT.—The term ''passive habitat management'' means those actions that are proposed or implemented to address degraded or non-functioning resource conditions that are expected to improve the ecological health of the area without additional on-the-ground actions, such that resource objectives and desired outcomes are anticipated to be reached without additional human intervention.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(12) STATE.—The term ''State'' means the State of Oregon.

(13) UPPER UNIT.—The term ''Upper Unit'' means the area that consists of the approximately 38,023 acres of land generally depicted as ''Proposed National Monument-Upper Unit'' on the Map.

(b) ESTABLISHMENT OF SUTTON MOUNTAIN NATIONAL MONUMENT.—

(1) IN GENERAL.—There is established in the State the Sutton Mountain National Monument, consisting of the following 2 management units, as generally depicted on the Map:

(A) Upper Unit.

(B) Lower Unit.

(2) PURPOSES.—The purposes of the Monument are—

(A) to increase the wildfire resiliency of Sutton Mountain and the surrounding area; and

(B) to conserve, protect, and enhance the long-term ecological health of Sutton Mountain and the surrounding area for present and future generations.

(3) OBJECTIVES.—To further the purposes of the Monument described in paragraph (2), and consistent with those purposes, the Secretary shall manage the Monument for the benefit of present and future generations—

(A) to support and promote the growth of local communities and economies;

(B) to promote the scientific and educational values of the Monument;

(C) to maintain sustainable grazing on the Federal land within the Upper Unit and Lower Unit, in accordance with applicable Federal law;

(D) to promote recreation, historical, cultural, and other uses that are sustainable, in accordance with applicable Federal law;

(E) to ensure the conservation, protection, restoration, and improved management of the ecological, social, and economic environment of the Monument, including geological, paleontological, biological, wildlife, riparian, and scenic resources;

(F) to reduce the risk of wildfire within the Monument and the surrounding area, including through juniper removal and habitat restoration, as appropriate; and

(G)(i) to allow for active habitat restoration in the Lower Unit; and

(ii) to allow for passive habitat management in the Upper Unit and Lower Unit.

(4) MANAGEMENT AUTHORITIES.—

(A) IN GENERAL.—The Secretary shall manage the Monument—

(i) in accordance with—

(I) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws; and

(II) this section; and

(ii) in a manner that—

(I) improves wildfire resiliency; and

(II) ensures the conservation, protection, and improved management of the ecological, social, and economic environment of the Monument, including geological, paleontological, biological, wildlife, riparian, and scenic resources, North American Indian Tribal and cultural and archaeological resource sites, and additional cultural and historic sites and culturally significant native species.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term conservation and management of the Monument that fulfills the purposes of the Monument described in paragraph (2).

(ii) REQUIREMENTS.—The management plan developed under clause (i) shall—

(I) describe the appropriate uses and management of each of the Upper Unit and the Lower Unit, consistent with the purposes and objectives of this section;

(II) include an assessment of ecological conditions of the Monument, including an assessment of—

(aa) the status, causes, and rate of juniper encroachments at the Monument; and

(bb) the ecological impacts of the juniper encroachments at the Monument;

(III) identify science-based, short-term and long-term, active habitat restoration and passive habitat management actions—

(aa) to reduce wildfire risk and improve the resilience of native plant communities; and

(bb) to restore historical native vegetation communities, including the prioritization of the removal of invasive annual grasses and juniper trees in the Lower Unit;

(IV) include a habitat restoration opportunities component that prioritizes—

(aa) restoration within the Lower Unit; and

(bb) maintenance of the existing wilderness character of the Upper Unit;

(V) include a riparian conservation and restoration component to support anadromous and other native fish, wildlife, and other riparian resources and values in the monument;

(VI) include a recreational enhancement component that prioritizes—

(aa) new and expanded opportunities for mechanized and nonmechanized recreation in the Lower Unit; and

(bb) enhancing nonmechanized, primitive, and unconfined recreation opportunities in the Upper Unit;

(VII) include an active habitat restoration component that prioritizes, with respect to the Lower Unit—

(aa) the restoration of native ecosystems;

(bb) the enhancement of recreation and grazing activities; and

(cc) activities that will reduce wildfire risk;

(VIII) include a passive habitat management component that prioritizes, with respect to the Upper Unit—

(aa) the restoration of native ecosystems; and

(bb) management activities that will reduce the risk of wildfire;

(IX) determine measurable and achievable management objectives, consistent with the management objectives described in paragraph (3), to ensure the ecological health of the Monument;

(X) develop a monitoring program for the Monument so that progress towards ecological health objectives can be determined;

(XI) include, as an integral part, a comprehensive transportation plan developed in accordance with paragraph (5); and

(XII) include, as an integral part, a wildfire mitigation plan developed in accordance with subparagraph (D).

(C) WILDFIRE RISK ASSESSMENT .—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Governor's Council on Wildfire Response of the State, shall conduct a wildfire risk assessment of the Upper Unit and the Lower Unit.

(D) WILDFIRE MITIGATION PLAN.—

(i) IN GENERAL.—Not later than 2 years after the date on which the wildfire risk assessment is conducted under subparagraph (C), the Secretary shall develop, based on the wildfire risk assessment, a wildfire mitigation plan as part of the management plan developed under subparagraph (B) that identifies, evaluates, and prioritizes management activities that can be implemented in the Lower Unit to mitigate wildfire risk to structures and communities located near the Monument.

(ii) PLAN COMPONENTS.—The wildfire mitigation plan developed under clause (i) shall include—

(I) appropriate vegetation management projects (including mechanical treatments to reduce hazardous fuels and improve ecological health and resiliency);

(II) necessary evacuation routes for communities located near the Monument, to be developed in consultation with the State and local fire agencies;

(III) strategies for public dissemination of emergency evacuation plans and routes;

(IV) appropriate passive habitat management activities; and

(V) strategies or management requirements to protect items of value identified at the Monument, consistent with the applicable fire management plan and the document prepared by the National Interagency Fire Center entitled ''Interagency Standards for Fire and Fire Aviation Operations'' or successor interagency agreement or guidance.

(iii) APPLICABLE LAW.—The wildfire mitigation plan under clause (i) shall be developed in accordance with—

(I) this section; and

(II) any other applicable law.

(E) TEMPORARY ROADS.—

(i) IN GENERAL.—Consistent with the purposes of this section and the comprehensive transportation plan under paragraph (5), the Secretary may travel off-road or establish temporary roads within the Lower Unit to implement the wildfire mitigation plan developed under subparagraph (D).

(ii) EFFECT ON WILDFIRE MANAGEMENT.—Nothing in this subsection affects the authority of the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, to conduct wildland fire operations at the Monument, consistent with the purposes of this section.

(F) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the Monument or adjacent to the Monument that is acquired by the United States shall—

(i) become part of the Monument; and

(ii) be managed in accordance with—

(I) this section; and

(II) applicable Federal laws.

(5) COMPREHENSIVE TRANSPORTATION PLAN.—

(A) IN GENERAL.—The Secretary shall develop as part of the management plan a comprehensive transportation plan for the Monument, which shall address—

(i) motorized, mechanized, and nonmotorized use;

(ii) the maintenance and closure of motorized and nonmotorized routes; and

(iii) travel access.

(B) PROHIBITION OF MOTORIZED AND MECHANIZED USE IN THE UPPER UNIT.—Except as provided in subparagraphs (C), (D), and (G), motorized and mechanized use shall be prohibited in the Upper Unit.

(C) PROHIBITION OF OFF-ROAD MOTORIZED TRAVEL.—Except in cases in which motorized or mechanized vehicles are needed for administrative purposes, ecological restoration projects, or to respond to an emergency, the use of motorized or mechanized vehicles in the Monument shall be permitted only on routes designated by the transportation plan developed under subparagraph (A).

(D) PROHIBITION OF NEW CONSTRUCTION.—Except as provided in subparagraph (E), no new motorized routes of any type shall be constructed within the Monument unless the Secretary determines, in consultation with the public, that the motorized route is necessary for public safety in the Upper Unit or Lower Unit.

(E) TEMPORARY MOTORIZED ROUTES IN THE LOWER UNIT.—Notwithstanding subparagraph (D), temporary motorized routes may be developed in the Lower Unit to assist with the removal of juniper.

(F) TRAILS.—Nothing in this paragraph limits the authority of the Secretary to construct or maintain trails for nonmotorized or nonmechanized use in the Upper Unit or Lower Unit.

(G) ACCESS TO INHOLDINGS.—The Secretary shall provide reasonable access to inholdings within the boundaries of the Monument to provide private landowners the reasonable use of the inholdings, in accordance with section 1323(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(b)).

(H) MODIFICATIONS TO EXISTING ROADS.—

(i) IN GENERAL.—Consistent with the purposes of this section, the existing roads described in clause (ii) may be modified or altered within 50 feet on either side of the applicable road, as the Secretary determines to be necessary to support use of motorized or mechanized vehicles for access, utility development, or public safety.

(ii) DESCRIPTION OF ROADS.—The roads referred to in clause (i) are Burnt Ranch Road, Twickenham Road, Girds Creek Road, and the Logging Road, as depicted on the Map.

(iii) RIGHT-OF-WAY.—The Secretary shall grant to the County a right-of-way for maintenance and repair within 50 feet of Twickenham Road and Girds Creek Road.

(6) GRAZING.—

(A) IN GENERAL.—The grazing of livestock in the Monument, if established before the date of enactment of this Act, shall be allowed to continue—

(i) subject to—

(I) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(II) applicable law (including regulations); and

(ii) in a manner consistent with the authorities described in paragraph (4).

(B) VOLUNTARY RELINQUISHMENT OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the voluntary relinquishment of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the Monument.

(ii) TERMINATION.—With respect to each permit or lease voluntarily relinquished under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) PARTIAL RELINQUISHMENT.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease voluntarily relinquishes less than the full level of grazing use authorized under the permit or lease under clause (i), the Secretary shall—

(aa) reduce the authorized grazing level to reflect the voluntary relinquishment; and

(bb) modify the permit or lease to reflect the revised level.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease voluntarily relinquished under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(7) PROHIBITION ON CONSTRUCTION OF NEW FACILITIES.—No new facilities may be constructed in the Monument unless the Secretary determines that the facility—

(A) will be minimal in nature;

(B) is consistent with the purposes of the Monument described in paragraph (2); and

(C) is necessary—

(i) to enhance botanical, fish, wildlife, or watershed conditions;

(ii) to provide for public information, health, or safety;

(iii) for the management of livestock; or

(iv) for the management, but not promotion, of recreation.

(8) RELEASE OF WILDERNESS STUDY AREA.—

(A) FINDING.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), any portion of Federal land designated as a wilderness study area within the Monument as of the date of enactment of this Act has been adequately studied for wilderness designation.

(B) RELEASE.—The land described in subparagraph (A)—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with—

(I) this section; and

(II) applicable land use plans adopted under section 202 of that Act (43 U.S.C. 1712).

(9) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits or easements from any Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(10) WATER RIGHTS AND INFRASTRUCTURE.—Nothing in this subsection—

(A) constitutes an express or implied claim or denial on the part of the Federal Government regarding an exemption from State water laws; or

(B) prohibits access to existing water infrastructure within the boundaries of the Monument.

(11) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian Tribe.

(c) LAND EXCHANGES.—

(1) AUTHORIZATION.—

(A) FAULKNER EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 15 acres of non-Federal land identified on the Map as ''Faulkner to BLM''.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 10 acres of Federal land identified on the Map as ''BLM to Faulkner''.

(B) QUANT EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 236 acres of non-Federal land identified on the Map as ''Quant to BLM''.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 271 acres of Federal land identified on the Map as ''BLM to Quant''.

(C) TWICKENHAM LIVESTOCK LLC EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 574 acres of non-Federal land identified on the Map as ''Twickenham to BLM''.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 566 acres of Federal land identified on the Map as ''BLM to Twickenham''.

(2) APPLICABLE LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out each land exchange under paragraph (1) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS.—Each land exchange under paragraph (1) shall be subject to such terms and conditions as the Secretary may require.

(4) EQUAL VALUE EXCHANGE.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under paragraph (1)—

(i) shall be equal; or

(ii) shall be made equal in accordance with subparagraph (B).

(B) EQUALIZATION.—

(i) SURPLUS OF FEDERAL LAND.—If the value of Federal land exceeds the value of non-Federal land to be conveyed under a land exchange authorized under paragraph (1), the value of the Federal land and non-Federal land shall be equalized by reducing the acreage of the Federal land to be conveyed, as determined to be appropriate and acceptable by the Secretary and the landowner.

(ii) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and non-Federal land shall be equalized by reducing the acreage of the non-Federal land to be conveyed, as determined to be appropriate and acceptable by the Secretary and the landowner.

(5) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the landowner shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land to be exchanged under paragraph (1).

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(6) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under

paragraph (1) shall be determined by surveys approved by the Secretary.

(B) COSTS.—The Secretary and the landowner shall divide equally between the Secretary and the landowner—

(i) the costs of any surveys conducted under subparagraph (A); and

(ii) any other administrative costs of carrying out the land exchange under this subsection.

(7) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under paragraph (1) shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(8) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under paragraph (1) be completed by the date that is not later than 2 years after the date of enactment of this Act.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, the Federal land and any interest in the Federal land included within the Monument is withdrawn from—

(A) entry, appropriation, new rights-of-way, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of—

(i) the mineral leasing and geothermal leasing laws; and

(ii) except as provided in paragraph (2), the minerals materials laws.

(2) ROAD MAINTENANCE.—As the Secretary determines to be consistent with the purposes of this section and the management plan, the Secretary may permit the development of saleable mineral resources, for road maintenance use only, in a location identified on the Map as an existing ''gravel pit'' within the area withdrawn by paragraph (1), if the development was authorized before the date of enactment of this Act.

(e) TREATMENT OF STATE LAND AND MINERAL INTERESTS.—

(1) ACQUISITION REQUIRED.—The Secretary shall acquire, for approximately equal value and as agreed to by the Secretary and the State, any land and interests in land owned by the State within the area withdrawn by subsection (d)(1).

(2) ACQUISITION METHODS.—The Secretary shall acquire the State land and interests in land under paragraph (1) in exchange for—

(A) the conveyance of Federal land or Federal mineral interests that are outside the boundaries of the area withdrawn by subsection (d)(1);

(B) a payment to the State; or

(C) a combination of the methods described in subparagraphs (A) and (B).

(f) CONVEYANCES OF BUREAU OF LAND MANAGEMENT LAND TO THE CITY OF MITCHELL, OREGON, AND WHEELER COUNTY, OREGON.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713)—

(A) on the request of the City, the Secretary shall convey to the City, without consideration, the approximately 1,327 acres of Federal land generally depicted on the Map as ''City of Mitchell Conveyance''; and

(B) on request of the County, the Secretary shall convey to the County, without consideration, the approximately 159 acres of Federal land generally depicted on the Map as ''Wheeler County Conveyance''.

(2) USE OF CONVEYED LAND.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Federal land conveyed under paragraph (1) shall be used for recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(B) AFFORDABLE OR SENIOR HOUSING.—Not more than 50 acres of the Federal land conveyed under paragraph (1)(A) may be used for the construction of affordable or senior housing.

(C) ECONOMIC DEVELOPMENT.—Not more than 50 acres of the Federal land conveyed under paragraph (1)(A) may be used to support economic development.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels of land to be conveyed under paragraph (1).

(B) CORRECTIONS OF ERRORS.—The Secretary may correct minor errors in the Map or the legal descriptions.

(C) AVAILABILITY.—The Map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) REVERSION.—

(A) IN GENERAL.—If any parcel of land conveyed under paragraph (1) ceases to be used for the purposes described in paragraph (2), the land shall, at the discretion of the Secretary based on the determination of the Secretary of the best interests of the United States, revert to the United States.

(B) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines under subparagraph (A) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the City or the County, as applicable, shall be responsible for remediation of the contamination.

(5) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian Tribe.

(g) COORDINATION WITH UNITS OF LOCAL GOVERNMENT.— The Secretary shall coordinate with units of local government, including the County commission and the City, in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1610.3-1 of title 43, Code of Federal Regulations (or a successor regulation) in—

(1) developing the management plan;

(2) prioritizing implementation of project-level activities under the management plan;

(3) developing activities that implement the management plan; and

(4) carrying out any other activities under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 4227. Mr. RISCH (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SECURING ENERGY INFRASTRUCTURE.

Section 5726 of division E of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 6 U.S.C. 189 note) is amended—

(1) in subsection (a)(2)—

(A) by striking ''means an entity'' and inserting the following: ''means—

''(A) an'';

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) a manufacturer of critical digital components in industrial control systems.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2-year'' and inserting ''4-year''; and

(B) in paragraph (1), by striking ''(including critical component manufacturers in the supply chain)'';

(3) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) UPDATED REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall update the report submitted under paragraph (1) and submit the updated report to the appropriate congressional committees.''; and

(4) in subsection (h)—

(A) in paragraph (1), by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(B) in paragraph (2), by striking ''$1,500,000'' and inserting ''$3,000,000''.

SA 4228. Mr. RISCH (for himself, Mr. HOEVEN, Mrs. CAPITO, Mr. CRAPO, Mr. KENNEDY, Ms. CORTEZ MASTO, Ms. MURKOWSKI, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (a), by adding at the end the following:

''(11) UNDERPERFORMING STATE.—The term 'underperforming State' means a State participating in the SBIR or STTR program that has been calculated by the Administrator to be one of 26 States receiving the fewest SBIR and STTR first phase awards (as described in paragraphs (4) and (6), respectively, of section 9(e)).'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (iii), by striking ''and'' at the end;

(II) in clause (iv), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(v) to prioritize applicants located in an underperforming State.'';

(B) in paragraph (2)(B)(vi)—

(i) in subclause (II), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(IV) located in an underperforming State; and'';

(C) in paragraph (3), by striking ''Not more than one proposal'' and inserting ''There is no limit on the number of proposals that''; and

(D) by adding at the end the following:

''(6) ADDITIONAL ASSISTANCE FOR UNDERPERFORMING STATES.—Upon application by a recipient that is located in an underperforming State, the Administrator may—

''(A) provide additional assistance to the recipient; and

''(B) waive the matching requirements under subsection (e)(2).

''(7) LIMITATION ON AWARDS.—The Administrator may only make 1 award or enter into 1 cooperative agreement per State in a fiscal year.'';

(3) in subsection (e)—

(A) in paragraph (2)—

(i) to by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 25 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in an underperforming State, as calculated using the data from the previous fiscal year; and

''(ii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) that is receiving SBIR and STTR first phase awards, as described in paragraphs (4) and (6), respectively, of section 9(e).'';

(ii) in subparagraph (D), by striking '', beginning with fiscal year 2001'' and inserting ''and make publicly available on the website of the Administration, beginning with fiscal year 2022''; and

(iii) by adding at the end the following:

''(E) PAYMENT.—The non-Federal share of the cost of an activity carried out by a recipient may be paid by the recipient over the course of the period of the award or cooperative agreement.''; and

(B) by adding at the end the following:

''(4) AMOUNT OF AWARD.—In carrying out the FAST program under this section—

''(A) the Administrator shall make and enter into awards or cooperative agreements;

''(B) each award or cooperative agreement described in subparagraph (A) shall be for not more than $500,000, which shall be provided over 2 fiscal years; and

''(C) any amounts left unused in the third quarter of the second fiscal year may be retained by the Administrator for future FAST program awards.

''(5) REPORTING.—Not later than 6 months after receiving an award or entering into a cooperative agreement under this section, a recipient shall report to the Administrator—

''(A) the number of awards made under the SBIR or STTR program;

''(B) the number of applications submitted for the SBIR or STTR program;

''(C) the number of consulting hours spent;

''(D) the number of training events conducted; and

''(E) any issues encountered in the management and application of the FAST program.'';

(4) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Small Business Innovation Research Program Reauthorization Act of 2000'' and inserting ''National Defense Authorization Act for Fiscal Year 2022''; and

(II) by inserting ''and Entrepreneurship'' before ''of the Senate'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) a description of the process used to ensure that underperforming States are given priority application status under the FAST program.''; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(ii) in the matter preceding subparagraph (A), by striking ''annual'' and inserting ''biennial'';

(iii) in subparagraph (B), by striking ''and'' at the end;

(iv) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''(D) the proportion of awards provided to and cooperative agreements entered into with underperforming States; and

''(E) a list of the States that were determined by the Administrator to be underperforming States, and a description of any changes in the list compared to previously submitted reports.''; and

(5) in subsection (g)(2)—

(A) by striking ''2004'' and inserting ''2022''; and

(B) by inserting ''and Entrepreneurship'' before ''of the Senate''.

SA 4229. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 1516. ACTIVE PROTECTION OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) AUTHORITY.—The Secretary of Defense may take, and may authorize members of the Armed Forces and officers and civilian employees of the Department of Defense to take, such actions described in subsection (b) as are necessary to mitigate the threat, as determined by the Secretary, that a space-based asset may pose to the security or operation of the Major Range and Test Facility Base (as defined in section 196(i) of title 10, United States Code).

(b) ACTIONS DESCRIBED.—The actions described in this subsection are the following:

(1) To detect, identify, monitor, and track space-based assets without consent.

(2) Consistent with the statutory authority of the Secretary, to take such proactive actions as necessary to ensure that the Major Range and Test Facility Base is able to perform its intended function and meet operational and security requirements.

SA 4230. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 318. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The term 'State-owned National Guard facility' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.''.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting ''and at State-owned National Guard facilities'' before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(D) Each State-owned National Guard facility being used for training at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.''.

SA 4231. Mr. CRUZ (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, line 19, strike ''foam'' and insert ''solution''.

SA 4232. Mr. REED (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 596. AUTHORIZATION TO AWARD MEDAL OF HONOR TO PRIVATE FIRST CLASS CHARLES R. JOHNSON FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Private First Class (PFC) Charles R. Johnson for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of PFC Charles R. Johnson on June 11-

12, 1953, as a member of the Army serving in Korea during the Korean War.

SA 4233. Mr. REED (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title X, add at the end the following:

Subtitle H—Council on Military, National, and Public Service

SEC. 1071. ESTABLISHMENT OF COUNCIL ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive Office of the President a Council on Military, National, and Public Service (in this section referred to as the ''Council'').

(2) FUNCTIONS.—The Council shall—

(A) advise the President with respect to promoting and expanding opportunities for military service, national service, and public service for all people of the United States;

(B) coordinate policies and initiatives of the executive branch to promote and expand opportunities for military service, national service, and public service; and

(C) coordinate policies and initiatives of the executive branch to foster an increased sense of service and civic responsibility among all people of the United States.

(b) COMPOSITION.—

(1) DIRECTOR.—The President shall appoint an individual to serve as the Assistant to the President for Military, National, and Public Service and the Director of the Council, who shall serve at the pleasure of the President. The Assistant to the President for Military, National, and Public Service shall serve as the head of the Council.

(2) MEMBERSHIP.—In addition to the Director, the Council shall be composed of such officers as the President may designate.

(3) MEETINGS.—The Council shall meet on a quarterly basis, or more frequently as the Director of the Council may direct.

(c) RESPONSIBILITIES OF THE COUNCIL.—The Council shall—

(1) assist and advise the President and the heads of Executive agencies in the establishment of policies, goals, objectives, and priorities to promote service and civic responsibility among all people of the United States;

(2) develop and recommend to the President and the heads of Executive agencies policies of common interest to Executive agencies for increasing the participation, and propensity of people of the United States to participate, in military service, national service, and public service in order to address national security and other current and future needs of the United States including policies for—

(A) reevaluating benefits for the Federal public service and national service programs in order to increase awareness of and remove barriers to entry into such programs;

(B) ensuring that the participation in and leadership of the military, the Federal public service, and national service programs reflects the diversity of the United States including by race, gender, ethnicity, and disability status; and

(C) developing pathways to service for high school graduates, college students, and recent college graduates;

(3) serve as the interagency lead for identifying critical skills to address national security and other needs of the United States, with responsibility for coordinating governmentwide efforts to address gaps in critical skills and identifying methods to recruit and retain individuals possessing such critical skills;

(4) serve as a forum for Federal officials responsible for military service, national service, and public service programs to coordinate and develop interagency, cross-service initiatives;

(5) lead the effort of the Federal Government to develop joint awareness and recruitment, retention, and marketing initiatives involving military service, national service, and public service, including the sharing of marketing and recruiting research between and among service agencies;

(6) consider approaches for assessing impacts of service on the needs of the United States and individuals participating in and benefitting from such service;

(7) consult, as the Council considers advisable, with representatives of non-Federal entities, including State, local, and Tribal governments, State and local educational agencies, State Commissions, institutions of higher education, nonprofit organizations, philanthropic organizations, and the private sector, in order to promote and develop initiatives to foster and reward military service, national service, and public service;

(8) oversee the response to and implementation of, as appropriate, the recommendations of the National Commission on Military, National, and Public Service established under section 553 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2132);

(9) not later than 2 years after the date of enactment of this Act, and quadrennially thereafter, prepare and submit to the President and Congress a Quadrennial Military, National, and Public Service Strategy, which shall set forth—

(A) a review of programs and initiatives of the Federal Government relating to the mandate of the Council;

(B) notable initiatives by State, local, and Tribal governments and by nongovernmental entities to increase awareness of and participation in service programs;

(C) current and foreseeable trends for service to address the needs of the United States; and

(D) a program for addressing any deficiencies identified by the Council, together with recommendations for legislation;

(10) not later than 4 years after the date of enactment of this Act, and quadrennially thereafter, prepare and submit to the President and Congress a Quadrennial Report on Cross-Service Participation on the basis of the activities carried out under the strategy submitted under paragraph (9);

(11) prepare, for inclusion in the annual budget submission by the President to Congress under section 1105 of title 31, United States Code, a detailed, separate analysis by budget function, by agency, and by initiative area for the preceding fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted, identifying the amounts of gross and net appropriations or obligational authority and outlays for initiatives, consistent with the priorities of the President, under the Quadrennial Military, National, and Public Service Strategy, with separate displays for mandatory and discretionary amounts;

(12) develop a joint national service messaging strategy that incorporates domestic and international service that both the Corporation for National and Community Service and the Peace Corps would promote; and

(13) perform such other functions as the President may direct.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE COUNCIL.—In addition to duties relating to the responsibilities of the Council described in subsection (c), the Director of the Council shall—

(1) coordinate with the Assistant to the President for National Security Affairs for any matter that may affect national security;

(2) at the discretion of the President, serve as spokesperson of the executive branch on issues related to military service, national service, and public service;

(3) upon request by a committee or subcommittee of the Senate or of the House of Representatives, appear before any such committee or subcommittee to represent the position of the executive branch on matters within the scope of the responsibilities of the Council; and

(4) perform such other functions as the President may direct.

(e) ORGANIZATIONAL MATTERS.—

(1) ASSISTANT TO THE PRESIDENT FOR MILITARY, NATIONAL, AND PUBLIC SERVICE.—The Assistant to the President for Military, National, and Public Service shall be compensated at the rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) STAFF.—The Council may employ officers and employees as necessary to carry out of the functions of the Council. Such officers and employees of the Council shall be compensated at a rate not more than the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(3) EXPERTS AND CONSULTANTS.—The Council may, as necessary to carry out of the functions of the Council, procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(4) ADVISORY COMMITTEES.—The Council may, in carrying out the functions of the Council, direct a member of the Council to establish advisory committees composed of representatives from outside the Federal Government.

(5) AUTHORITY TO ACCEPT GIFTS.—The Council may accept, use, and dispose of gifts or donations of services, goods, and property, except for cash, from non-Federal entities for the purposes of aiding and facilitating the work of the Council.

(6) AUTHORITY TO ACCEPT VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) CONFORMING AMENDMENT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

''(40) a separate statement of the amount of appropriations requested for the Council on Military, National, and Public Service in the Executive Office of the President.

''(41) a detailed, separate analysis by budget function, by agency, and by initiative area for the preceding fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted, identifying the amounts of gross and net appropriations or obligational authority and outlays for initiatives, consistent with the priorities of the President, under the Quadrennial Military,

National, and Public Service Strategy required by section 1071(c)(9) of the National Defense Authorization Act for Fiscal Year 2022, with separate displays for mandatory and discretionary amounts.''.

SEC. 1072. INTERNET-BASED SERVICE PLATFORM.

(a) DECLARATION OF POLICY.—It is the policy of the United States, in promoting a culture of service in the United States and meeting the recruiting needs for military service, national service, and public service programs, to provide a comprehensive, interactive, and integrated internet-based platform to enable the people of the United States to learn about and connect with service organizations and opportunities and assist in the recruiting needs of service organizations.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Council on Military, National, and Public Service.

(2) MEMBER.—The term ''member'' means an individual who is a member of the Service Platform under this section.

(3) SERVICE MISSION.—The term ''service mission'' means the objectives of a service organization or a service opportunity.

(4) SERVICE OPPORTUNITY.—The term ''service opportunity'' means any paid, volunteer, or other position with a service organization.

(5) SERVICE ORGANIZATION.—The term ''service organization'' means any military service, national service, or public service organization that participates in the Service Platform.

(6) SERVICE PLATFORM.—The term ''Service Platform'' means the comprehensive, interactive, and integrated internet-based platform established under this section.

(7) SERVICE TYPE.—The term ''service type'' means the period and form of service with a service organization, including part-time, full-time, term limited, sabbatical, temporary, episodic, or emergency options for paid, volunteer, or stipend-based service.

(8) STATE.—The term ''State'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(9) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given such term in subsection (a)(5) of section 101 of title 10, United States Code.

(c) ESTABLISHMENT OF THE SERVICE PLATFORM.—The Director, in coordination with the Director of the Office of Management and Budget, shall establish, maintain, and promote the Service Platform to serve as a centralized resource and database for the people of the United States to learn about and connect with organizations and opportunities related to military service, national service, or public service and for such organizations to identify people of the United States with the skills necessary to address the needs of such organizations.

(d) OPERATION OF SERVICE PLATFORM.—

(1) PUBLIC ACCESSIBILITY.—The Director, in coordination with the Director of the Office of Management and Budget, shall determine, and make accessible to the public, information about service organizations and service opportunities, without any requirement that an individual seeking such access become a member.

(2) MEMBERS.—

(A) IN GENERAL.—Any individual meeting criteria established by the Director by regulation may register as a member under subparagraph (B).

(B) REGISTRATION.—

(i) IN GENERAL.—An individual that registers under this subparagraph as a member shall be entitled to access information about service organizations and service opportunities available through the Service Platform.

(ii) INFORMATION AND CONSENT FROM INDIVIDUAL.—An individual meeting the criteria established under subparagraph (A) and seeking to become a member—

(I) shall provide to the Director such information as the Director may determine necessary to facilitate the functionality of the Service Platform;

(II) shall, unless specifically electing not to, consent to share any information entered into the Service Platform with, and to be contacted by, any public service or national service organization that participates in the Service Platform;

(III) may consent to share any information entered into the Service Platform with, and to be contacted by, any uniformed service that participates in the Service Platform;

(IV) may consent to be contacted for potential service with any national service or public service organization in the event of a national emergency; and

(V) may consent to be contacted to join the uniformed services on a voluntary basis during an emergency requiring national mobilization.

(iii) VERIFICATION.—Upon receipt of the information and, as relevant, consent from an individual under clause (ii), the Director shall—

(I) verify that the individual has not previously registered as a member; and

(II) if such individual has not previously registered as a member, register such individual as a member and by written notice (including by electronic communication), notify such member of such registration.

(3) USE OF SERVICE PLATFORM.—

(A) ADDITIONAL INFORMATION.—The Service Platform shall enable a member to provide additional information to improve the functionality of the Service Platform, as determined relevant by the Director, including information regarding the member's—

(i) educational background;

(ii) employment background;

(iii) professional skills, training, licenses, and certifications;

(iv) service organization preferences;

(v) service type preferences;

(vi) service mission preferences; and

(vii) geographic preferences.

(B) UPDATES.—A member may, at any time, update the personal and other information of the member available on the Service Platform.

(C) RENEWAL OF CONSENT REGARDING MILITARY SERVICE.—The Director shall send to a member who consents to serve under paragraph (2)(B)(ii)(V) an annual request to confirm the continued consent to serve by the member.

(4) WITHDRAWAL OF MEMBERS.—A member may withdraw as a member by submitting to the Director a request to withdraw. Not later than 30 days after the date of such request to withdraw, all records regarding such member shall be removed from the Service Platform and any other data storage locations the Director may use relating to the Service Platform, notwithstanding any obligations under chapter 31 of title 44, United States Code (commonly known as the ''Federal Records Act of 1950'').

(e) SERVICE ORGANIZATIONS.—

(1) EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—All Executive agencies and military departments shall participate in the Service Platform as service organizations.

(2) NON-FEDERAL SERVICE ORGANIZATIONS.—State, local, and Tribal government agencies, and nongovernmental organizations that undertake national service programs, may participate in the Service Platform, subject to subsection (h).

(3) INFORMATION ON SERVICE ORGANIZATIONS.—Each service organization participating in the Service Platform shall make available on the Service Platform—

(A) information sufficient for a member to identify and understand the service opportunities and service mission of such service organization;

(B) information on the availability of service opportunities by service type;

(C) internet links to the hiring and recruiting websites of such service organization; and

(D) such additional information as the Director may require.

(4) ADDITIONAL PLATFORMS NOT PRECLUDED.—Nothing in this subsection shall prevent any service organization from establishing or maintaining a separate internet-based system or platform to recruit individuals for employment or for volunteer or other service opportunities.

(f) MINIMUM DESIGN REQUIREMENTS.—The Service Platform shall—

(1) provide the public with access to information on service organizations and service opportunities through an internet-based system that is user-friendly, interactive, accessible, and fully functional through mobile applications and other widely used communications media, without a requirement that any person seeking such access register as a member;

(2) provide an individual with the ability to register as a member in order to customize their experience in accordance with subsection (d)(3)(A), including providing mechanisms to—

(A) connect such member with service organizations and service opportunities that match the interests of the member; and

(B) ensure robust search capabilities to facilitate the ability of the member to explore service organizations and service opportunities;

(3) include mechanisms to enable a service organization to connect with members who have consented to be contacted and meet the needs of such service organization;

(4) incorporate, to the extent permitted by law and regulation, the ability of a member to securely upload information on education, employment, and skills related to the service organizations and service opportunities from internet-based professional, recruiting, and social media systems, consistent with security requirements;

(5) ensure compatibility with relevant information systems of Executive agencies and military departments;

(6) use state-of-the-art technology and analytical tools to facilitate the efficacy of the Service Platform in connecting members with service opportunities and service organizations; and

(7) retain all personal information in a manner that protects the privacy of members in accordance with section 552a of title 5, United States Code, and other applicable law, provide access to information relating to a member only in accordance with the consent of the member or as required by applicable law, and incorporate data security and control policies that are adequate to ensure the confidentiality and security of information provided and maintained on the Service Platform.

(g) DEVELOPMENT OF SERVICE PLATFORM PLAN.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Director, in coordination with the Director of the Office of Management and Budget, shall develop a detailed plan to implement the Service Platform that complies with all the requirements of this section.

(2) CONSULTATION REQUIRED.—In developing the plan under this subsection, the Director shall consult with the Secretary of Defense,

the Chief Executive Officer of the Corporation for National and Community Service, the Director of the Office of Personnel Management, the head of the United States Digital Service and, as needed, the heads of other Executive agencies. Such consultation may include seeking assistance in the design, development, and creation of the Service Platform.

(3) TECHNICAL ADVICE PERMITTED.—

(A) IN GENERAL.—In developing the plan under this subsection, the Director may—

(i) seek and receive technical advice from experts outside of the Federal Government; and

(ii) form a committee of such experts to assist in the design and development of the Service Platform.

(B) VOLUNTEER SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Director may accept the voluntary services of such experts under this paragraph.

(C) FEDERAL ADVISORY COMMITTEE ACT.—A committee of the experts formed under this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) INFORMATION COLLECTION AUTHORIZED.—

(A) IN GENERAL.—In developing the plan under this subsection, the Director may collect information from the public through focus groups, surveys, and other mechanisms.

(B) PAPERWORK REDUCTION ACT.—The requirements under subchapter I of chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to activities authorized under this paragraph.

(h) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations to carry out this section including—

(1) procedures that enable State, local, and Tribal government agencies to participate in the Service Platform as service organizations;

(2) procedures that enable nongovernmental organizations that undertake national service programs to participate in the Service Platform as service organizations; and

(3) a timeline to implement the procedures described in subparagraphs (A) and (B).

(i) REPORTS TO CONGRESS.—Not later than 12 months after the date of enactment of this Act and annually thereafter, the Director, in coordination with the Director of the Office of Management and Budget, shall provide a report to Congress on the Service Platform. Such report shall include the following:

(1) Details on the status of implementation of the Service Platform and plans for further development of the Service Platform.

(2) Participation rates of service organizations and members.

(3) The number of individuals visiting the Service Platform, the number of service organizations participating in the platform, and the number of service opportunities available in the preceding 12-month period.

(4) Information on any cybersecurity or privacy concerns.

(5) The results of any surveys or studies undertaken to increase the use and efficacy of the Service Platform.

(6) Any additional information the Director or the President considers appropriate.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director for each fiscal year such funds as may be necessary to carry out this section.

(k) SELECTIVE SERVICE SYSTEM.—Section 10 of the Military Selective Service Act (50 U.S.C. 3809) is amended by adding at the end the following:

''(i) SERVICE PLATFORM.—The Director of Selective Service shall provide to all registrants, on the website of the Selective Service System and in communications with registrants relating to registration, information about the Service Platform established under section 1072 of the National Defense Authorization Act for Fiscal Year 2022. The Director of Selective Service shall provide to each registrant, at the time of registration, an option to transfer to the Service Platform the information the registrant has provided to the Selective Service System. The Director of Selective Service shall consult with the Director of the Council on Military, National, and Public Service to ensure that information provided by the Selective Service System is compatible with the information requirements of the Service Platform.''.

SEC. 1073. PILOT PROGRAM TO COORDINATE MILITARY, NATIONAL, AND PUBLIC SERVICE RECRUITMENT.

(a) PILOT PROGRAM AUTHORIZED.—The Director of the Council on Military, National, and Public Service may carry out a pilot program in coordination with departments and agencies responsible for recruiting individuals for military service, national service, and public service, to focus on recruiting individuals from underserved markets and demographic populations, such as those defined by gender, geography, socioeconomic status, and critical skills, as determined by each participating department or agency, to better reflect the demographics of the United States while ensuring that recruiting needs are met.

(b) CONSULTATION.—In developing a pilot program under this section, the Director of the Council on Military, National, and Public Service shall consult with the Secretary of Defense, the Secretary of Homeland Security, the secretaries of the military departments, the Commandant of the United States Coast Guard, the Chief Executive Officer of the Corporation for National and Community Service, the Director of the Peace Corps, and the Director of the Office of Personnel Management.

(c) DURATION.—The pilot program under this section shall terminate not earlier than 2 years after the date of commencement of such pilot program.

(d) STATUS REPORTS.—Not later than 12 months after the date of commencement of the pilot program authorized under this section, and not later than 12 months thereafter, the Director of the Council on Military, National, and Public Service shall submit to Congress reports evaluating the pilot program carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1074. JOINT MARKET RESEARCH AND RECRUITING PROGRAM TO ADVANCE MILITARY AND NATIONAL SERVICE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps may carry out a joint market research, market studies, recruiting, and advertising program to complement the existing programs of the military departments, the national service programs administered by the Corporation, and the Peace Corps.

(b) INFORMATION SHARING PERMITTED.—Section 503 of title 10, United States Code, shall not be construed to prohibit sharing of information among, or joint marketing efforts of, the Department of Defense, the Corporation for National and Community Service, and the Peace Corps to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for carrying out this section.

SEC. 1075. INFORMATION SHARING TO ADVANCE MILITARY AND NATIONAL SERVICE.

(a) ESTABLISHMENT OF PLAN.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall establish a joint plan to provide an applicant who is ineligible, or otherwise not selected, for service in the Armed Forces, in a national service program administered by the Corporation for National and Community Service, or in the Peace Corps, with information about the forms of service for which such applicant has not applied.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall submit to Congress a report on the plan established under subsection (a).

SEC. 1076. TRANSITION OPPORTUNITIES FOR MILITARY SERVICEMEMBERS AND NATIONAL SERVICE PARTICIPANTS.

(a) EMPLOYMENT ASSISTANCE.—Section 1143(c)(1) of title 10, United States Code, is amended by inserting ''the Corporation for National and Community Service,'' after ''State employment agencies,''.

(b) EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES: DEPARTMENT OF LABOR.—

(1) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''and the Secretary of Veterans Affairs,'' and inserting ''the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service,'';

(ii) in paragraph (2), by striking ''and the Secretary of Veterans Affairs'' and inserting ''the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service''; and

(iii) in paragraph (3), by inserting ''and the Chief Executive Officer'' after ''The Secretaries'';

(B) in subsection (b), by adding at the end the following:

''(11) Provide information on public service opportunities, training on public service job recruiting, and the advantages of careers with the Federal Government.'';

(C) in subsection (c)(2)(A), by striking ''and the Secretary of Veterans Affairs,'' and inserting '', the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service,'';

(D) in subsection (d), in the matter preceding paragraph (1), by inserting ''and the Chief Executive Officer of the Corporation for National and Community Service'' after ''the Secretaries''; and

(E) by adding at the end the following new subsection:

''(g) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE PROGRAMS.—In establishing and carrying out a program under this section, the Chief Executive Officer of the Corporation for National and Community Service shall do the following:

''(1) Provide information concerning national service opportunities, including—

''(A) opportunities to acquire and enhance technical skills available through national service;

''(B) certifications and verifications of job skills and experience available through national service;

''(C) support services and benefits available during terms of national service; and

''(D) job analysis techniques, job search techniques, and job interview techniques specific to approved national service positions

(as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

''(2) Inform members of the armed forces that the Department of Defense and the Department of Homeland Security are required, under section 1143(a) of this title, to provide proper certification or verification of job skills and experience acquired while on active duty that may have application to service in programs of the Corporation for National and Community Service.

''(3) Work with military and veterans' service organizations and other appropriate organizations in promoting and publicizing job fairs for such members.

''(4) Provide information about disability-related employment and education protections.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) HEADING AMENDMENT.—The heading of section 1144 of such title is amended to read as follows:

''§ 1144. Employment assistance, job training assistance, and other transitional services: Department of Labor and the Corporation for National and Community Service''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1144 and inserting the following new item:

''1144. Employment assistance, job training assistance, and other transitional services: Department of Labor and the Corporation for National and Community Service.''.

(c) AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.—Section 193A(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651d(b)) is amended—

(1) in paragraph (24), by striking ''and'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(26) ensure that individuals completing a partial or full term of service in a program under subtitle C or E or part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) receive information about military and public service opportunities for which they may qualify or in which they may be interested.''.

SEC. 1077. JOINT REPORT TO CONGRESS ON INITIATIVES TO INTEGRATE MILITARY AND NATIONAL SERVICE.

(a) REPORTING REQUIREMENT.—Not later than 4 years after the date of enactment of this Act and quadrennially thereafter, the Director of the Council on Military, National, and Public Service established under section 1071, in coordination with the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps, shall submit to Congress a joint report on cross-service recruitment, including recommendations for increasing joint advertising and recruitment initiatives for the Armed Forces, programs administered by the Corporation for National and Community Service, and the Peace Corps.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include the following:

(1) The number of Peace Corps volunteers and participants in national service programs administered by the Corporation for National and Community Service, who previously served as a member of the Armed Forces.

(2) The number of members of the Armed Forces who previously served in the Peace Corps or in a program administered by the Corporation for National and Community Service.

(3) An assessment of existing (as of the date of the reports submission) joint recruitment and advertising initiatives undertaken by the Department of Defense, the Peace Corps, or the Corporation for National and Community Service.

(4) An assessment of the feasibility and cost of expanding such existing initiatives.

(5) An assessment of ways to improve the ability of the reporting agencies to recruit individuals from the other reporting agencies.

(c) CONSULTATION.—The Director of the Council on Military, National, and Public Service established under section 1071, the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall undertake studies of recruiting efforts that are necessary to carry out the provisions of this section. Such studies may be conducted using any funds appropriated to those entities under Federal law other than this subtitle.

SEC. 1078. DEFINITIONS.

In this subtitle:

(1) COUNCIL ON MILITARY, NATIONAL, AND PUBLIC SERVICE.—The term ''Council on Military, National, and Public Service'' means the Council on Military, National, and Public Service established under section 1071.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

(3) MILITARY DEPARTMENT.—The term ''military department'' means each of the military departments listed in section 102 of title 5, United States Code.

(4) MILITARY SERVICE.—The term ''military service'' means active service (as defined in subsection (d)(3) of section 101 of title 10, United States Code) or active status (as defined in subsection (d)(4) of such section) in one of the Armed Forces (as defined in subsection (a)(4) of such section).

(5) NATIONAL SERVICE.—The term ''national service'' means participation, other than military service or public service, in a program that—

(A) is designed to enhance the common good and meet the needs of communities, the States, or the United States;

(B) is funded or facilitated by—

(i) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(iii) the Federal Government or a State, Tribal, or local government; and

(C) is a program—

(i) authorized in—

(I) the Peace Corps Act (22 U.S.C. 2501 et seq.);

(II) section 171 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226) relating to the YouthBuild Program;

(III) the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.); or

(IV) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); or

(ii) determined to be another relevant program by the Director of the Council on Military, National, and Public Service.

(6) PUBLIC SERVICE.—The term ''public service'' means civilian employment in the Federal Government or a State, Tribal, or local government.

(7) SERVICE.—The term ''service'' means a personal commitment of time, energy, and talent to a mission that contributes to the public good by protecting the Nation and the citizens of the United States, strengthening communities, States, or the United States, or promoting the general social welfare.

(8) STATE COMMISSION.—The term ''State Commission'' means a State Commission on National and Community Service maintained by a State pursuant to section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638).

SA 4234. Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WARNER, Mr. RUBIO, Mr. RISCH, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1053 and insert the following:

SEC. 1053. ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY COORDINATION LEAD.—The term ''Agency Coordination Lead'' means a senior official designated by the head of a relevant agency to serve as the Anomalous Health Incident Agency Coordination Lead for such agency.

(2) APPROPRIATE NATIONAL SECURITY COMMITTEES.—The term ''appropriate national security committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on the Judiciary of the Senate;

(F) the Committee on Armed Services of the House of Representatives;

(G) the Committee on Foreign Affairs of the House of Representatives;

(H) the Permanent Select Committee on Intelligence of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives; and

(J) the Committee on the Judiciary of the House of Representatives.

(3) INTERAGENCY COORDINATOR.—The term ''Interagency Coordinator'' means the Anomalous Health Incidents Interagency Coordinator designated pursuant to subsection (b)(1).

(4) RELEVANT AGENCIES.—The term ''relevant agencies'' means—

(A) the Department of Defense;

(B) the Department of State;

(C) the Office of the Director of National Intelligence;

(D) the Department of Justice;

(E) the Department of Homeland Security; and

(F) other agencies and bodies designated by the Interagency Coordinator.

(b) ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.—

(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an appropriate senior official as the ''Anomalous Health Incidents Interagency Coordinator'', who shall work through the President's designated National Security process—

(A) to coordinate the United States Government's response to anomalous health incidents;

(B) to coordinate among relevant agencies to ensure equitable and timely access to assessment and care for affected personnel, dependents, and other appropriate individuals;

(C) to ensure adequate training and education for United States Government personnel; and

(D) to ensure that information regarding anomalous health incidents is efficiently shared across relevant agencies in a manner that provides appropriate protections for classified, sensitive, and personal information.

(2) DESIGNATION OF AGENCY COORDINATION LEADS.—

(A) IN GENERAL.—The head of each relevant agency shall designate a Senate-confirmed or other appropriate senior official, who shall—

(i) serve as the Anomalous Health Incident Agency Coordination Lead for the relevant agency;

(ii) report directly to the head of the relevant agency regarding activities carried out under this section;

(iii) perform functions specific to the relevant agency, consistent with the directives of the Interagency Coordinator and the established interagency process;

(iv) participate in interagency briefings to Congress regarding the United States Government response to anomalous health incidents; and

(v) represent the relevant agency in meetings convened by the Interagency Coordinator.

(B) DELEGATION PROHIBITED.—An Agency Coordination Lead may not delegate the responsibilities described in clauses (i) through (v) of subparagraph (A).

(3) SECURE REPORTING MECHANISMS.—Not later than 90 days after the date of the enactment of this Act, the Interagency Coordinator shall—

(A) ensure that agencies develop a process to provide a secure mechanism for personnel, their dependents, and other appropriate individuals to self-report any suspected exposure that could be an anomalous health incident;

(B) ensure that agencies share all relevant data with the Office of the Director of National Intelligence through existing processes coordinated by the Interagency Coordinator; and

(C) in establishing the mechanism described in subparagraph (A), prioritize secure information collection and handling processes to protect classified, sensitive, and personal information.

(4) BRIEFINGS.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter for the following 2 years, the Agency Coordination Leads shall jointly provide a briefing to the appropriate national security committees regarding progress made in achieving the objectives described in paragraph (1).

(B) ELEMENTS.—The briefings required under subparagraph (A) shall include—

(i) an update on the investigation into anomalous health incidents impacting United States Government personnel and their family members, including technical causation and suspected perpetrators;

(ii) an update on new or persistent incidents;

(iii) threat prevention and mitigation efforts to include personnel training;

(iv) changes to operating posture due to anomalous health threats;

(v) an update on diagnosis and treatment efforts for affected individuals, including patient numbers and wait times to access care;

(vi) efforts to improve and encourage reporting of incidents;

(vii) detailed roles and responsibilities of Agency Coordination Leads;

(viii) information regarding additional authorities or resources needed to support the interagency response; and

(ix) other matters that the Interagency Coordinator or the Agency Coordination Leads consider appropriate.

(C) UNCLASSIFIED BRIEFING SUMMARY.—The Agency Coordination Leads shall provide a coordinated, unclassified summary of the briefings to Congress, which shall include as much information as practicable without revealing classified information or information that is likely to identify an individual.

(5) RETENTION OF AUTHORITY.—The appointment of the Interagency Coordinator shall not deprive any Federal agency of any authority to independently perform its authorized functions.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit—

(A) the President's authority under article II of the United States Constitution; or

(B) the provision of health care and benefits to afflicted individuals, consistent with existing laws.

(c) DEVELOPMENT AND DISSEMINATION OF WORKFORCE GUIDANCE.—The President shall direct relevant agencies to develop and disseminate to their employees, not later than 30 days after the date of the enactment of this Act, updated workforce guidance that describes—

(1) the threat posed by anomalous health incidents;

(2) known defensive techniques; and

(3) processes to self-report suspected exposure that could be an anomalous health incident.

SA 4235. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1237. CERTIFICATION REQUIREMENT FOR IMPOSING SANCTIONS WITH RESPECT TO MEMBERS OF QUADRILATERAL SECURITY DIALOGUE.

Section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525) is amended by adding at the end the following:

''(g) SPECIAL RULE FOR MEMBERS OF QUADRILATERAL SECURITY DIALOGUE.—

''(1) IN GENERAL.—During the 10-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the President may not impose sanctions under this section with respect a significant transaction described in subsection (a) engaged in by the government of a member of the Quadrilateral Security Dialogue unless, before imposing such sanctions, the President certifies to the appropriate congressional committees that—

''(A) that government is not participating in quadrilateral cooperation between Australia, India, Japan, and the United States on security matters that are critical to United States strategic interests; or

''(B) the significant transaction—

''(i) took place after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; and

''(ii) is not related to sustainment of a weapons system purchased before such date of enactment.

''(2) MEMBER OF THE QUADRILATERAL SECURITY DIALOGUE DEFINED.—In this subsection, the term 'member of the Quadrilateral Security Dialogue' means Australia, India, Japan, or the United States.''.

SA 4236. Mr. DAINES (for himself, Mr. MCCONNELL, Mr. BURR, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. MARSHALL, Mr. TUBERVILLE, Mr. COTTON, Mr. KENNEDY, Mr. LEE, Mrs. BLACKBURN, Mr. JOHNSON, Mr. CASSIDY, Ms. LUMMIS, Mr. BRAUN, Mr. CRAMER, Mr. HOEVEN, Mr. YOUNG, Mr. TOOMEY, Mr. RUBIO, Ms. ERNST, Mr. GRASSLEY, Mr. BOOZMAN, Mr. WICKER, Mrs. CAPITO, Ms. COLLINS, Mr. RISCH, Mr. CRAPO, Mr. HAWLEY, Mr. BARRASSO, and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1004. PROHIBITION OF CASH SETTLEMENTS RESULTING FROM THE LAWFUL APPLICATION OF THE ZERO TOLERANCE POLICY FOR VIOLATIONS OF SECTION 275(A) OF THE IMMIGRATION AND NATIONALITY ACT.

Notwithstanding any other provision of law, no Federal funds may be used for settlement payments to individuals who, as a result of their violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), and in accordance with the policy described in the memorandum of the Attorney General regarding ''Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a)'', issued on April 6, 2018, were detained by U.S. Customs and Border Protection if such payments are intended to compensate such individuals for being separated from family members during such detention.

SA 4237. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NATIVE HAWAIIAN ORGANIZATIONS.

(a) COMPETITIVE THRESHOLDS.—Section 8020 of title VIII of division A of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (15 U.S.C. 637 note) is amended by striking

''with agencies of the Department of Defense'' and inserting ''with agencies and departments of the Federal Government''.

(b) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, in order to carry out the amendments made by subsection (a)—

(1) the Administrator of the Small Business Administration, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations; and

(2) the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code, shall amend the Federal Acquisition Regulation.

SA 4238. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. LIMITATION ON SECURITY ASSISTANCE AND MILITARY AND SECURITY COOPERATION WITH BURMA.

(a) IN GENERAL.—No agency or instrumentality of the United States may supply any security assistance, grant permission to retransfer defense articles originating in the United States to, or engage in any military-to-military programs with the armed forces or security forces of the Republic of the Union of Myanmar (referred to in this section as ''Burma''), including through training, observation, or participation in regional exercises, until the date on which the Secretary of Defense, in consultation with the Secretary of State, certifies to the Committee on Armed Services of the Senate, Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) the armed forces of Burma (referred to in this section as the ''Tatmadaw'') have returned control of the Government of Burma to duly elected leadership;

(2) the Government of Burma is clearly on the path to civilian control over its security forces, including—

(A) instituting constitutional reforms to relinquish military participation in Government decision making;

(B) abiding by international human rights standards; and

(C) undertaking meaningful and significant security sector reform, including transparency and accountability, to prevent future abuses; and

(3) each of the criteria described in subsection (b) have been met.

(b) CRITERIA.—The criteria described in this subsection are—

(1) adherence by the Tatmadaw to international humanitarian law and international human rights law, including a pledge to stop future human rights abuses;

(2) support by the Tatmadaw for efforts to carry out meaningful and comprehensive investigations of alleged abuses, including—

(A) taking steps to hold accountable those members of the Tatmadaw who are responsible for human rights violations; and

(B) advancing justice for survivors, including through cooperating with the Independent International Fact-Finding Mission on Myanmar, established by the United Nations Human Rights Council in March 2017;

(3) the Government of Burma, including the Tatmadaw—

(A) allowing immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya communities in Rakhine State;

(B) cooperating with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to ensure—

(i) the protection of displaced persons; and

(ii) the safe and voluntary return of refugees and internally displaced persons; and

(C) extending recognition of human rights to all the people of Rakhine State, including the Rohingya;

(4) the cessation of Tatmadaw attacks on ethnic minority groups and the constructive participation of the Tatmadaw in the conclusion of a credible, nationwide cease-fire agreement, political accommodation, and constitutional change; and

(5) the release of all political prisoners in Burma.

(c) REPORT.—Not later than 30 days after the certification under subsection (a), the Secretary of State, in coordination with the Secretary of Defense, shall submit a report to the congressional committees referred to in subsection (a) that includes—

(1) a description and assessment of the Government of Burma's strategy for security sector reform, if applicable, including governance and constitutional reforms to ensure civilian control;

(2) a description and assessment of the Government of Burma's strategy and plans—

(A) to end the involvement of the Tatmadaw in the illicit trade in jade and other natural resources; and

(B) to implement reforms to end corruption and illicit drug trafficking;

(3) a list of past military activities conducted by the United States Government with the Government of Burma;

(4) a description of the United States strategy for any future military-military engagements between the United States Armed Forces and the Tatmadaw, the Burma Police Force, and armed ethnic groups;

(5) an assessment of the progress of the Tatmadaw towards developing a framework to implement human right reforms, including steps taken by the Tatmadaw to demonstrate respect for and implementation of international humanitarian law and international human rights law;

(6) an assessment of how any future engagement with the Government of Burma will effectively further the protection of human rights, including—

(A) cooperation with civilian authorities to investigate and prosecute cases of serious, credible, or gross human rights violations; and

(B) the elements of the military-to-military engagement between the United States and Burma that promote the implementation of human rights reforms;

(7) an assessment of the progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including actions taken by the Tatmadaw to adhere to cease-fire agreements and withdraw forces from conflict zones;

(8) an assessment of the Tatmadaw's recruitment and use of children as soldiers; and

(9) an assessment of the Tatmadaw's use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

SA 4239. Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Saudi Arabia Accountability for Gross Violations of Human Rights Act

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Saudi Arabia Accountability for Gross Violations of Human Rights Act''.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) On October 2, 2018, Washington Post journalist Jamal Khashoggi was murdered by Saudi Government agents in Istanbul.

(2) According to the United Nations Special Rapporteur's June 2019 report, Mr. Khashoggi contacted the Saudi Embassy in Washington regarding required documentation he needed to obtain from Saudi authorities and ''was told to obtain the document from the Saudi embassy in Turkey''.

(3) According to press reports, Mr. Khashoggi's associates were surveilled after having their phones infiltrated by spyware.

(4) On July 15, 2019, the House of Representatives passed by a margin of 405-7 the Saudi Arabia Human Rights and Accountability Act of 2019 (H.R. 2037), which required—

(A) an unclassified report by the Director of National Intelligence on parties responsible for Khashoggi's murder, a requirement ultimately inserted into and passed as part of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92);

(B) visa sanctions on all persons identified in such report; and

(C) a report on human rights in Saudi Arabia.

(5) On February 26, 2021, the Director of National Intelligence released the report produced pursuant to congressional direction, which stated, ''we assess that Saudi Arabia's Crown Prince Muhammad bin Salman approved an operation in Istanbul, Turkey to capture or kill Saudi journalist Jamal Khashoggi.''. The report also identified several individuals who ''participated in, ordered, or were otherwise complicit in or responsible for the death of Jamal Khashoggi on behalf of Muhammad bin Salman. We do not know whether these individuals knew in advance that the operation would result in Khashoggi's death.''.

(6) Section 7031(c) of division K of the Consolidated Appropriations Act, 2021 states ''Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in. . .a gross violation of human rights. . . shall be ineligible for entry into the United States.''.

(7) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country determined by the President to be engaged in a ''consistent pattern of acts of intimidation or harassment directed against individuals in the United States''.

(8) Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) directs the President to formulate and conduct international

security assistance programs of the United States in a manner which will ''promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States''.

(9) Secretary of State Antony Blinken on February 26, 2021, stated: ''As a matter of safety for all within our borders, perpetrators targeting perceived dissidents on behalf of any foreign government should not be permitted to reach American soil. . . We have made absolutely clear that extraterritorial threats and assaults by Saudi Arabia against activists, dissidents, and journalists must end.''.

SEC. 1293. SANCTIONS WITH RESPECT TO FOREIGN PERSONS LISTED IN THE REPORT OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE MURDER OF JAMAL KHASHOGGI.

(a) IMPOSITION OF SANCTIONS.—On and after the date that is 60 days after the date of the enactment of this Act, the sanctions described in subsection (b) shall be imposed with respect to each foreign person listed in the Office of the Director of National Intelligence report titled ''Assessing the Saudi Government's Role in the Killing of Jamal Khashoggi'', dated February 11, 2021.

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—

(i) Inadmissibility to the United States.

(ii) Ineligibility to receive a visa or other documentation to enter the United States.

(iii) Ineligibility to otherwise be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 110 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) Revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the foreign person's possession.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under paragraph (1) shall not apply with respect to a foreign person if admitting or paroling the person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) WAIVER IN THE INTEREST OF NATIONAL SECURITY.—The President may waive for an individual entry into the United States the application of this section with respect to a foreign person who is A-1 visa eligible and who is present in or seeking admission into the United States for purposes of official business if the President determines and transmits to the appropriate congressional committees an unclassified written notice and justification not later than 15 days before the granting of such waiver, that such a waiver is in the national security interests of the United States.

(c) SUSPENSION OF SANCTIONS.—

(1) IN GENERAL.—The President may suspend in whole or in part the imposition of sanctions otherwise required under this section if the President certifies to the appropriate congressional committees that the following criteria have been met in Saudi Arabia:

(A) The Government of Saudi Arabia is not arbitrarily detaining citizens or legal residents of the United States for arbitrary political reasons, including criticism of Saudi government policies, peaceful advocacy of political beliefs, or the pursuit of United States citizenship.

(B) The Government of Saudi Arabia is cooperating in outstanding criminal proceedings in the United States in which a Saudi citizen or national departed from the United States while the citizen or national was awaiting trial or sentencing for a criminal offense committed in the United States.

(C) The Government of Saudi Arabia has made significant numerical reductions in individuals detained for peaceful political reasons, including activists, journalists, bloggers, lawyers, or critics.

(D) The Government of Saudi Arabia has disbanded any units of its intelligence or security apparatus dedicated to the forced repatriation of dissidents or critical voices in other countries.

(E) The Government of Saudi Arabia has made meaningful public commitments to uphold internationally recognized standards governing the use, sale, and transfer of digital surveillance items and services that can be used to abuse human rights.

(F) The Government of Saudi Arabia has instituted meaningful legal reforms to protect the rights of women, the rights of freedom of expression and religion, and due process in its judicial system.

(2) REPORT.—Accompanying the certification described in paragraph (1), the President shall submit to the appropriate congressional committees a report that contains a detailed description of Saudi Arabia's adherence to the criteria described in the certification.

(d) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(3) FOREIGN PERSON.—The term ''foreign person'' means any individual who is a citizen or national of a foreign country (including any such individual who is also a citizen or national of the United States).

(4) FOREIGN PERSON WHO IS A-1 VISA ELIGIBLE.—The term ''foreign person who is A-1 visa eligible'' means an alien described in section 101(a)(15)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)(i)).

(5) NATIONAL.—The term ''national'', with respect to an individual, has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1294. REPORT ON INTIMIDATION OR HARASSMENT DIRECTED AGAINST INDIVIDUALS IN THE UNITED STATES AND OTHER MATTERS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report identifying any entities, instrumentalities, or agents of the Government of Saudi Arabia engaged in ''a consistent pattern of acts of intimidation or harassment directed against individuals in the United States'' pursuant to section 6 of the Arms Export Control Act (22 U.S.C. 2756).

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A detailed description of such acts in the preceding period.

(2) A certification of whether such acts during the preceding period constitute a ''consistent pattern of acts of intimidation or harassment directed against individuals in the United States'' pursuant to section 6 of the Arms Export Control Act (22 U.S.C. 2756).

(3) A determination of whether any United States-origin defense articles were used in the commission of such acts.

(4) A determination of whether entities, instrumentalities, or agents of the Government of Saudi Arabia supported or received support from foreign governments, including China, in the commission of such acts.

(5) Any actions taken by the United States Government to deter incidents of intimidation or harassment directed against individuals in the United States.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

SEC. 1295. REPORT ON EFFORTS TO UPHOLD HUMAN RIGHTS IN UNITED STATES SECURITY ASSISTANCE PROGRAMS WITH THE GOVERNMENT OF SAUDI ARABIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on efforts of the Department of State to ensure that United States security assistance programs with Saudi Arabia are formulated in a manner that will ''avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms'' in accordance with section 502B of the Foreign Assistance Act (22 U.S.C. 2304).

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representative.

SEC. 1296. REPORT ON CERTAIN ENTITIES CONNECTED TO FOREIGN PERSONS ON THE MURDER OF JAMAL KHASHOGGI.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on private, commercial, and nongovernmental entities, including nonprofit foundations, controlled in whole or in part by any foreign person named in the Office of the Director of National Intelligence report titled ''Assessing the Saudi Government's Role in the Killing of Jamal Khashoggi'', dated February 11, 2021.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description of such entities.

(2) A detailed assessment, based in part on credible open sources and other publicly-available information, of the roles, if any, such entities played in the murder of Jamal Khashoggi or any other gross violations of internationally recognized human rights.

(3) A certification of whether any such entity is subject to sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note).

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SA 4240. Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. MERKLEY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. SAFE HARBOR FOR HONG KONG REFUGEES.

(a) DESIGNATION OF CERTAIN RESIDENTS OF HONG KONG AS PRIORITY 2 REFUGEES.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall designate, as Priority 2 refugees of special humanitarian concern, the following categories of aliens:

(A) Individuals who are residents of the Hong Kong Special Administrative Region who suffered persecution, or have a well-founded fear of persecution, on account of their peaceful expression of political opinions or peaceful participation in political activities or associations.

(B) Individuals who have been formally charged, detained, or convicted on account of their peaceful actions as described in section 206(b)(2) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5726).

(C) The spouses, children, and parents (as such terms are defined in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) of individuals described in subparagraph (A) or (B), except such parents who are citizens of a country other than the People's Republic of China.

(2) PROCESSING OF HONG KONG REFUGEES.—The processing of individuals described in paragraph (1) for classification as refugees may occur in Hong Kong or in a third country.

(3) ELIGIBILITY FOR ADMISSION AS REFUGEES.—An alien may not be denied the opportunity to apply for admission as a refugee under this subsection primarily because such alien—

(A) qualifies as an immediate relative of a citizen of the United States; or

(B) is eligible for admission to the United States under any other immigrant classification.

(4) FACILITATION OF ADMISSIONS.—An applicant for admission to the United States from the Hong Kong Special Administrative Region may not be denied primarily on the basis of a politically motivated arrest, detention, or other adverse government action taken against such applicant as a result of the participation by such applicant in protest activities.

(5) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided refugee status under this subsection shall not be counted against any numerical limitation under section 201, 202, 203, or 207 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, 1153, and 1157).

(6) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Security shall submit a report regarding the matters described in subparagraph (B) to—

(i) the Committee on the Judiciary and the Committee on Foreign Relations of the Senate; and

(ii) the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives.

(B) MATTERS TO BE INCLUDED.—Each report required under subparagraph (A) shall include—

(i) the total number of applications that are pending at the end of the reporting period;

(ii) the average wait-times for all applicants who are currently pending—

(I) employment verification;

(II) a prescreening interview with a resettlement support center;

(III) an interview with U.S. Citizenship and Immigration Services; or

(IV) the completion of security checks; and

(iii) the number of denials of applications for refugee status, disaggregated by the reason for each such denial.

(C) FORM.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(D) PUBLIC REPORTS.—The Secretary of State shall make each report submitted under this paragraph available to the public on the internet website of the Department of State.

(7) SATISFACTION OF OTHER REQUIREMENTS.—Aliens granted status under this subsection as Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system shall be considered to satisfy the requirements under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

(b) WAIVER OF IMMIGRANT STATUS PRESUMPTION.—

(1) IN GENERAL.—The presumption under the first sentence of section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) that every alien is an immigrant until the alien establishes that the alien is entitled to nonimmigrant status shall not apply to an alien described in paragraph (2).

(2) ALIEN DESCRIBED.—

(A) IN GENERAL.—An alien described in this paragraph is an alien who—

(i) is a resident of the Hong Kong Special Administrative Region on February 8, 2021;

(ii) is seeking entry to the United States to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158); and

(iii)(I) had a leadership role in civil society organizations supportive of the protests in 2019 and 2020 relating to the Hong Kong extradition bill and the encroachment on the autonomy of Hong Kong by the People's Republic of China;

(II) had an organizing role for such protests;

(III) acted as a first aid responder for such protests;

(IV) suffered harm while covering such protests as a journalist;

(V) provided paid or pro-bono legal services to 1 or more individuals arrested for participating in such protests; or

(VI) during the period beginning on June 9, 2019, and ending on February 8, 2021, was formally charged, detained, or convicted for his or her participation in such protests.

(B) EXCLUSION.—An alien described in this paragraph does not include any alien who is a citizen of a country other than the People's Republic of China.

(c) REFUGEE AND ASYLUM DETERMINATIONS UNDER THE IMMIGRATION AND NATIONALITY ACT.—

(1) PERSECUTION ON ACCOUNT OF POLITICAL OPINION.—

(A) IN GENERAL.—For purposes of refugee determinations under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), an individual whose citizenship, nationality, or residency is revoked for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws (as defined in section 101(a) of such Act (8 U.S.C. 1101(a))) shall be considered to have suffered persecution on account of political opinion.

(B) NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—For purposes of refugee determinations under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), a national of the People's Republic of China whose residency in the Hong Kong Special Administrative Region, or any other area within the jurisdiction of the People's Republic of China, as determined by the Secretary of State, is revoked for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws shall be considered to have suffered persecution on account of political opinion.

(2) CHANGED CIRCUMSTANCES.—For purposes of asylum determinations under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), the revocation of the citizenship, nationality, or residency of an individual for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws shall be considered to be a changed circumstance under subsection (a)(2)(D) of such section.

(d) STATEMENT OF POLICY ON ENCOURAGING ALLIES AND PARTNERS TO MAKE SIMILAR ACCOMMODATIONS.—It is the policy of the United States to encourage allies and partners of the United States to make accommodations similar to the accommodations made under this Act for residents of the

Hong Kong Special Administrative Region who are fleeing oppression by the Government of the People's Republic of China.

(e) TERMINATION.—This section shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

SA 4241. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Combating International Cybercrime

SEC. 1291. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Financial Services of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' means systems and assets, whether physical or virtual, that are so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on the security, economic security, public health, or safety of the United States.

(3) CYBERCRIME GROUP.—The term ''cybercrime group'' means any group practicing, or which has significant subgroups which practice, international cybercrime.

(4) INTERNATIONAL CYBERCRIME.—The term ''international cybercrime'' means unlawful activities involving citizens, territory, or infrastructure of at least 1 country that is intended—

(A) to disrupt the confidentiality, integrity, or availability of information systems for financial gain or in order to economically benefit a third party;

(B) to damage, delete, deteriorate, alter, or suppress information systems; or

(C) to distribute credentials, access codes, or similar data.

(5) MAJOR CYBERCRIME INCIDENT.—The term ''major cybercrime incident'' means an act of cybercrime, or a series of such acts, that—

(A) results in the death of, or bodily injury to, 1 or more United States citizens;

(B) results in economic loss to United States persons in excess of—

(i) $5,000,000 in any single act of cybercrime; or

(ii) $50,000,000 in a series of acts of cybercrime; or

(C) materially disrupts United States critical infrastructure.

(6) STATE SPONSOR OF INTERNATIONAL CYBERCRIME..—The term ''state sponsor of international cybercrime'' means a country, the government of which systematically—

(A) commits international cybercrime;

(B) supports, facilitates, encourages, or expressly consents to international cybercrime by third parties, including contractors, proxies, and affiliates; or

(C) fails to take reasonable steps to detect, investigate, or address cybercrime occurring within its territory or through the use of its infrastructure.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) Information and communication technologies underpin the prosperity and national security of the United States. However, the widespread use of these technologies also poses serious risks. In particular, cybercrime (criminal activity using digital means) presents an acute and growing threat to the economic, strategic, and security interests of the United States and its allies and partners.

(2) Cybercriminals cause massive harm. According to National Institute of Standards and Technology estimates, in 2016, United States businesses lost between $167,900,000,000 and $770,000,000,000 to cybercrime, corresponding to between 0.9 percent and 4.1 percent of the total United States gross domestic product that year. The related risk and harm to public health and safety is incalculable and can only be expected to grow as digital technologies become more intertwined in daily life.

(3) Using a wide variety of tactics, cybercriminals—

(A) steal United States intellectual property and sensitive personal information;

(B) defraud United States businesses and citizens; and

(C) disrupt infrastructure critical to Americans' health and safety.

(4) The use of ransomware (malicious software that encrypts and thereby prevents access to data) until a ransom, often costing millions of dollars, is paid is a an especially destructive form of cybercrime.

(5) In 2021, ransomware groups—

(A) crippled or endangered some of the United States' most critical infrastructure, including water utilities, hospitals, meat packing plants, and a critical fuel pipeline; and

(B) extracted hundreds of millions of dollars in ransom from United States businesses and their insurers.

(6) United States allies and partners have also suffered major losses from cybercrime. Recent ransomware victims include Swedish supermarkets, Ireland's national health service, a leading European insurer, and a major German chemical manufacturer.

(7) The Council of Europe's Convention on Cybercrime, done at Budapest November 23, 2001, states, ''an effective fight against cybercrime requires increased, rapid and well-functioning international cooperation in criminal matters'' and requires parties to outlaw digital fraud, digital forgery, intellectual property theft through digital means, and offenses against confidentiality, integrity, and availability of computer data and systems, among other misconduct.

(8) In July 2021, the United Nations Group of Governmental Experts on Advancing responsible State behavior in cyberspace, which includes experts from the United States, Russia, and China, issued a report stating that countries are expected to ''take all appropriate and reasonably available and feasible steps to detect, investigate and address'' known cybercriminal activity emanating from within their borders.

(9) Certain nations, including China, Russia, Iran, and North Korea, ignore, facilitate, or directly participate in cybercrime as a matter of national policy.

(10) Russia is a global haven for cybercriminals, including ransomware groups responsible for attacks on fuel pipelines, meat packing plants, and supermarkets in the United States and in Europe in 2021. These gangs operate freely and with the Kremlin's tacit approval. By allowing cybercriminals to operate with impunity, Russia threatens international stability, undermines international institutions, and disregards international norms.

(11) The People's Republic of China uses cybercrime—

(A) to undermine United States' interests; and

(B) to victimize United States' businesses and government agencies.

(12) In July 2021, Secretary of State Blinken stated, ''The PRC's Ministry of State Security (MSS) has fostered an ecosystem of criminal contract hackers who carry out both state-sponsored activities and cybercrime for their own financial gain. ... These contract hackers cost governments and business billions of dollars in stolen intellectual property, ransom payments, and cybersecurity mitigation efforts, all while the MSS has them on its payroll.''.

(13) Cybercrime is central to North Korea's geopolitical strategy, helping the Kim Jong Un regime maintain its grip on power and providing essential resources for the country's nuclear weapons program.

(14) In February 2021, the Department of Justice indicted 3 North Korean military intelligence agents for a ''wide-ranging criminal conspiracy to conduct a series of destructive cyberattacks, to steal and extort more than $1.3 billion of money and cryptocurrency from financial institutions and companies, to create and deploy multiple malicious cryptocurrency applications, and to develop and fraudulently market a blockchain platform.''.

(15) North Korean hackers are responsible for many of the most brazen cybercrime campaigns, including—

(A) the 2017 WannaCry global ransomware incident;

(B) the 2014 cyberattack on Sony Pictures; and

(C) the attempted theft of nearly $1,000,000,000 from the Central Bank of Bangladesh in 2016.

(16) The Iranian regime is a prolific sponsor of cybercrime. Hackers linked to Iran's Islamic Revolutionary Guard Corps target businesses, academic institutions, and research organizations around the world.

(17) In 2018, the Department of Justice indicted 9 Iranians for a coordinated campaign of cyber intrusions into computer systems belonging to 144 United States universities, 176 universities across 21 foreign countries, 47 domestic and foreign private sector companies, the Department of Labor, the Federal Energy Regulatory Commission, the State of Hawaii, the State of Indiana, the United Nations, and the United Nations Children's Fund.

SEC. 1293. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) all nations must take reasonable steps to stop cybercriminal activities from taking place within their territories or through their infrastructure;

(2) governments that tolerate, facilitate, or participate in cybercrime threaten the economic and national security of the United States, United States allies and partners, and the international community; and

(3) the rising threat of international cybercrime requires a robust, coordinated response from the United States Government, United States allies and partners, and the private sector—

(A) to prevent and counter international cybercriminal activity; and

(B) to impose significant and tangible costs on cybercriminal groups and on governments that tolerate, facilitate, or participate in cybercrime.

SEC. 1294. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to prioritize efforts to counter international cybercrime in United States diplomatic, national security, and law enforcement activities related to cybersecurity and information communication technology;

(2) to cooperate with United States allies and partners to develop and implement strategies, policies, and institutions to address international cybercrime, including joint law enforcement efforts and efforts to develop effective international law and norms related to cybercrime control; and

(3) to identify and impose tangible costs on foreign governments that enable or engage in international cybercrime.

SEC. 1295. DESIGNATION OF STATE SPONSORS OF INTERNATIONAL CYBERCRIME.

(a) IDENTIFYING STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—

(1) LIST OF STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State shall—

(A) compile, or update, a list of countries that the Secretary has identified as state sponsors of international cybercrime; and

(B) make such list publicly available by publishing the list in the Federal Register and through other appropriate means.

(2) CONSULTATION.—In identifying state sponsors of international cybercrime pursuant to paragraph (1), the Secretary of State shall consult with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the heads of other appropriate Federal agencies, and, to the extent the Secretary deems appropriate, officials of governments of countries that are allies or key partners of the United States.

(3) REMOVAL FROM LIST.—The identification by the Secretary that a country is a state sponsor of international cybercrime may not be rescinded after such country is included on the list described in paragraph (1)(A) unless the President submits to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives—

(A) before the proposed rescission would take effect, a report certifying that—

(i) there has been a fundamental change in the leadership and policies of the government of such country;

(ii) such government is not a state sponsor of international cybercrime; and

(iii) such government has provided assurances that it will not engage in conduct in the future that would make such country a state sponsor of international cybercrime; or

(B) not later than 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(i) the government of such country has not been a state sponsor of international cybercrime at any time during the preceding 18-month period; and

(ii) such government has provided assurances to the United States that the government will not engage in conduct in the future that would make such country a state sponsor of international cybercrime.

(4) PROHIBITION OF REMOVAL.—A rescission under paragraph (3) may not be made if Congress, not later than 45 days after receiving a report from the President under such paragraph, enacts a joint resolution stating, after the resolving clause, the following: ''That the proposed rescission of the identification of _____ as a state sponsor of international cybercrime, pursuant to the report submitted by the President to Congress on _____ is hereby prohibited.'', with the first blank filled in with the name of the applicable country and the second blank filled in with the appropriate date.

(b) RESTRICTION ON EXPORTS TO STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—Section 1754 of the Export Controls Act of 2018 (50 U.S.C. 4813) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following:

''(d) STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—

''(1) COMMERCE LICENSE REQUIREMENT.—A license shall be required for the export, reexport, or in-country transfer of items, the control of which is implemented pursuant to subsection (a) by the Secretary, to a country if—

''(A) at the time of the proposed export, reexport, or in-country transfer of items, such country is identified as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021; and

''(B) the Secretary of State determines that the export, reexport, or in-country transfer of such items could materially enhance the ability of such country, or individuals or entities operating from its territory through its infrastructure, to commit, cause, or facilitate international cybercrime.

''(2) NOTIFICATION TO CONGRESS.—The Secretary of State shall include in the notification required under subparagraph (A)—

''(A) a detailed description of the items to be offered, including a brief description of the capabilities of any item for which a license to export, reexport, or in-country transfer the items is sought;

''(B) the reasons why the foreign country, person, or entity to which the export, reexport, or in-country transfer is proposed to be made has requested the items under the export, reexport, or in-country transfer, and a description of the manner in which such country, person, or entity intends to use such items;

''(C) the reasons why the proposed export, reexport, or in-country transfer is in the national interest of the United States;

''(D) an assessment of the ways in which the items proposed to be exported, reexported, or transferred in-country could be used for international cybercrime, and the likelihood that the items would be so used; and

''(E) an assessment of the potential harm to the United States or its allies if the items proposed to be exported, reexported, or transferred in-country were used for cybercrime.'';

(3) in subsection (f), as redesignated, by striking ''subsection (d)'' each place such term appears and inserting ''subsection (e)''; and

(4) in subsection (g), as redesignated, by striking ''subsection (d)'' each place such term appears and inserting ''subsection (e)''; and

(c) RESTRICTIONS ON MUNITIONS SALES TO STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—Section 40 of the Arms Export Control Act (22 U.S.C. 2780) is amended—

(1) in the section heading, by adding at the end the following: ''**OR ACTS OF INTERNATIONAL CYBERCRIME**''; and

(2) by amending subsection (d) to read as follows:

''(d) STATE SPONSORS OF INTERNATIONAL TERRORISM OR INTERNATIONAL CYBERCRIME.—The prohibitions contained in this section apply with respect to a country if—

''(1) the Secretary of State determines that the government of such country has repeatedly provided support for acts of international terrorism, including any activity that the Secretary determines willfully aids or abets—

''(A) the international proliferation of nuclear explosive devices to an individual or group;

''(B) an individual or group in acquiring unsafeguarded special nuclear material; or

''(C) the efforts of an individual or group to use, develop, produce, stockpile, or otherwise acquire chemical, biological, or radiological weapons; or

''(2) at the time the transaction is proposed, such country is identified as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.''.

(d) RESTRICTION ON FOREIGN ASSISTANCE TO STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)) is amended to read as follows:

''(a) PROHIBITION.—The United States shall not provide any assistance under this chapter, the Food Peace Act [7 U.S.C. 1691 et seq.], the Peace Corps Act [22 U.S.C. 2501 et seq.], or the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] to any country if—

''(1) the Secretary of State determines that the government of such country has repeatedly provided support for acts of international terrorism; or

''(2) at the time the assistance is proposed to be provided, such country is identified as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.''.

(e) ANNUAL COUNTRY REPORT ON INTERNATIONAL CYBERCRIME.—

(1) IN GENERAL.—Not later than April 30 of each year, the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Central Intelligence Agency, shall submit a full and complete report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

(A) detailed assessments with respect to—

(i) each foreign country that, at the time of such submission, is identified as a state sponsor of international cybercrime on the list compiled or updated pursuant to subsection (a)(1);

(ii) any other foreign country that is materially involved or implicated in international cybercrime;

(B) all relevant information about the activities during the preceding year of any cybercrime group, and any umbrella organization under which such group falls, which was responsible for a major cybercrime incident during the 5-year period immediately preceding such submission;

(C) with respect to each foreign country from which the United States Government has sought cooperation during such 5-year period in the investigation or prosecution of a major cybercrime incident—

(i) the extent to which the government of the foreign country is cooperating with the United States Government in apprehending, convicting, and punishing the individual or individuals responsible for such incident; and

(ii) the extent to which the government of the foreign country is cooperating in preventing further acts of international cybercrime against the United States; and

(D) with respect to each foreign country from which the United States Government has sought cooperation during the previous 5 years in the prevention or disruption of activity that could lead to a major cybercrime

incident, the information described in paragraph (3)(B).

(2) ADDITIONAL PROVISIONS.—In addition to the information described in paragraph (1), the report required under such paragraph shall describe—

(A) with respect to paragraph (1)(A)—

(i) direct involvement in international cybercrime, if any, of each country that is the subject of such report;

(ii) significant support for international cybercrime, if any, by each country that is the subject of such report, including—

(I) political and financial support;

(II) technical assistance;

(III) the use of state infrastructure or personnel;

(IV) protection from detection, prosecution, or extradition, whether by action or inaction; and

(V) intelligence;

(iii) the extent of knowledge by the government of each country that is the subject of such report with respect to international cybercrime occurring within its territory or through the use of its infrastructure;

(iv) the efforts of each country that is the subject of such report to detect, investigate, and address international cybercrime occurring within its territory or through the use of its infrastructure, including, as appropriate, steps taken in cooperation with the United States or in international fora;

(v) the positions (including voting records) on matters relating to cybercrime in the General Assembly of the United Nations and other international bodies and fora of each country that is the subject of such report;

(vi) the response of the judicial system of each country that is the subject of such report with respect to matters—

(I) relating to international cybercrime affecting United States citizens or interests; or

(II) that have, in the opinion of the Secretary, a significant impact on United States efforts relating to international cybercrime, including responses to extradition requests; and

(B)(i) any significant direct financial support provided to, or support for the activities of, groups or organizations referred to in paragraph (1)(B) by the government of each country that is the subject of such report;

(ii) any significant training, equipment, or other in-kind support to such groups or organizations by such governments; and

(iii) sanctuary from prosecution given by any such government to the members of such groups or organizations who are responsible for the commission, attempt, or planning of a major cybercrime incident;

(C) to the extent practicable, complete statistical information regarding the economic, security, and health and safety impacts of international cybercrime on the United States; and

(D) an analysis, as appropriate, of trends in international cybercrime, including changes in tactics, techniques, and procedures, demographic information on cybercriminals, and other appropriate information.

(3) CLASSIFICATION OF REPORT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the report required under paragraph (1), to the extent practicable—

(i) shall be submitted in an unclassified form; and

(ii) may be accompanied by a classified annex.

(B) EXCEPTION.—If the Secretary of State determines that the submission of the information with respect to a foreign country under subparagraph (C) or (D) of paragraph (1) in classified form would make more likely the cooperation of the government of such foreign country, the Secretary may submit such information in classified form.

SEC. 1296. IMPOSITION OF SANCTIONS WITH RESPECT TO MAJOR CYBERCRIME INCIDENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall—

(1) identify each foreign person that the President determines—

(A) knowingly engages in activities responsible for, or intended to cause, a major cybercrime incident;

(B) is owned or controlled by, or acts or purports to act for or on behalf of, directly or indirectly, a person described in subparagraph (A); or

(C) knowingly materially assists, sponsors, or provides financial, material, or technological support for, or goods or services in support of—

(i) an activity described in subparagraph (A); or

(ii) a person described in subparagraph (A) or (B), the property and interests in property of which are blocked pursuant to this section;

(2) except as provided under subsection (d), impose the sanctions described in subsection (b) with respect to each individual identified under paragraph (1); and

(3) except as provided under subsection (d), impose 5 or more of the sanctions described in subsection (c) with respect to each entity identified under paragraph (1).

(b) APPLICABLE SANCTIONS.—The sanctions referred to in subsection (a)(2) are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of any individual identified under subsection (a)(1) if such property or interests in property—

(A) are in the United States;

(B) come within the United States; or

(C) come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—Any alien identified under subsection (a)(1)—

(i) is inadmissible to the United States;

(ii) is ineligible to receive a visa or other documentation to enter the United States; and

(iii) is ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry document issued to any alien identified under subsection (a)(1) is subject to revocation regardless of when such visa or document was issued.

(ii) IMMEDIATE EFFECT.—The revocation of an alien's visa or other entry document pursuant to clause (i)—

(I) shall take effect in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)); and

(II) shall cancel any other valid visa or entry document that is in the alien's possession.

(c) ADDITIONAL SANCTIONS.—The sanctions referred to in subsection (a)(3) are the following:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORT TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to approve the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit, or participation in the extension of credit in connection with the export goods or services to any entity identified under subsection (a)(1).

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license, and not to grant any other specific permission or authority to export any goods or technology, to any entity identified under subsection (a)(1) under—

(A) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.);

(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The President may prohibit any United States financial institution from making loans or providing credits to an entity identified under subsection (a)(1) that totals more than $10,000,000 in any 12-month period unless—

(A) such entity is engaged in activities to relieve human suffering; and

(B) such loans or credits are specifically provided for such activities.

(4) LOANS FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The President may direct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose any loan from the international financial institution that would benefit an entity identified under subsection (a)(1).

(5) PROHIBITIONS FOR FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against any entity identified under subsection (a)(1) that is a financial institution:

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such entity as a primary dealer in United States government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such entity may not serve as agent of the United States Government or serve as repository for United States Government funds.

(C) TREATMENT OF SANCTIONS.—For purposes of subsection (a)(3)—

(i) the imposition of a sanction under subparagraph (A) or (B) shall be treated as 1 sanction; and

(ii) the imposition of both sanctions under subparagraphs (A) and (B) shall be treated as 2 sanctions.

(6) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from any entity identified under subsection (a)(1).

(7) FOREIGN EXCHANGE.—Pursuant to such regulations as the President may prescribe, the President may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which any entity identified under subsection (a)(1) has any interest.

(8) BANKING TRANSACTIONS.—Pursuant to such regulations as the President may prescribe, the President may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of an entity identified under subsection (a)(1).

(9) PROPERTY TRANSACTIONS.—Pursuant to such regulations as the President may prescribe, the President may prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which any entity identified under subsection (a)(1) has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(10) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—Pursuant to such regulations or guidelines as the President may prescribe, the President may prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of any entity identified under subsection (a)(1).

(11) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, any entity identified under subsection (a)(1).

(12) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of any entity identified under subsection (a)(1), or on persons performing similar functions and with similar authorities as such officer or officers with respect to such entity, any of the sanctions under this subsection.

(d) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under this section with respect to a foreign person, if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) not more than 15 days after issuing such waiver, submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SA 4242. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

SEC. _____. REPORT BY SECRETARY OF STATE ON FOREIGN MERCENARIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall submit to the appropriate congressional committees a report on the extent to which foreign mercenaries are being used by countries to train, equip, advise, participate in, or conduct military, security, police, or intelligence-gathering activities and operations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description and evaluation of the use of foreign mercenaries, by country.

(2) A detailed description and evaluation of each such country's justification for the use of foreign mercenaries.

(3) The extent to which such foreign mercenaries are directly or indirectly sponsored or directed by the governments of their countries of origin.

(4) A description of any standards, laws, policies, or regulations that apply to the behavior of such mercenaries, including whether any judicial proceedings have been conducted against such mercenaries within the prior two years.

(5) An estimate of the number of United States citizens engaged in or suspected to be engaged in mercenary activities and operations, including the number of such citizens who have received an export license by the Department of State to engage in such activities or operations, disaggregated by foreign country in which such activities or operations have been authorized, including a description of any investigations that the Department has initiated or participated in concerning such citizens or any other United States citizen who has not received such an export license.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified and unredacted form, and not subject to any additional restriction on public dissemination, to the maximum extent feasible, but may include a classified, unredacted annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committees on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) MERCENARY.—The term ''mercenary'' means a person who—

(A) is not, as of the date on which the report required under subsection (a) is submitted, a member of the military, the security forces, or any law enforcement agency of the government of the country of which the person is a national; and

(B) is engaged in any military-, security-, or intelligence-related activity in a country of which such person is not a national and is not licensed or contracted for such activity by the Government of the United States.

SA 4243. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. ESTABLISHMENT OF JOINT INTERAGENCY TASK FORCE ON USE OF GRAY-ZONE TACTICS IN THE INDO-PACIFIC MARITIME DOMAIN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a joint interagency task force to assess, respond to, and coordinate with United States allies and partners in response to the use of gray-zone tactics by state and nonstate actors in the Indo-Pacific maritime domain.

(b) ACTIVITIES.—The task force established under subsection (a) shall—

(1) conduct domain awareness operations, intelligence fusion, and multi-sensor correlation to detect, monitor, disrupt, and deter suspected gray-zone activities;

(2) promote security cooperation and capacity building to respond to, disrupt, and deter gray-zone activities; and

(3) coordinate United States and partner country initiatives, including across diplomatic, political, economic, and military domains, to counter the use of gray-zone tactics by adversaries.

SA 4244. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. SECURITY IMPLICATIONS OF THE COUP IN SUDAN ON UNITED STATES SECURITY INTERESTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the appropriate committees of Congress a report on the coup in Sudan on October 25, 2021.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the security implications of such coup for United States security interests in the Horn of Africa.

(B) An identification of any country that supported such coup.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) PROHIBITION ON ASSISTANCE.—

(1) IN GENERAL.—Amounts authorized to be appropriated by this Act, or any other Act, may not be obligated or expended to provide assistance to the Government of Sudan until the date on which the certification described in paragraph (2) is made.

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification by the Secretary of State to the appropriate committees of Congress that the following criteria have been met:

(A) The Prime Minister of Sudan, other civilian members of the Sovereign Council of Sudan, members of civil society, and other individuals detained in connection with the coup in Sudan on October 25, 2021, have been released from detention.

(B) Sudan has returned to constitutional rule under the transitional constitution.

(C) The state of emergency in Sudan has been lifted, including the full restoration of all means of communication.

(D) The military forces of Sudan, including the rapid support forces, have been ordered to return to their barracks.

(c) SANCTIONS.—The President shall immediately identify the leaders of the coup in Sudan on October 25, 2021, their accomplices, and foreign and United States persons that the President determines enabled the coup for the imposition of sanctions pursuant to applicable sanctions laws.

(d) OPPOSITION TO SUPPORT BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall use the voice

and vote of the United States in the international financial institutions (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))) to suspend all actions by those institutions related to loans or debt relief to Sudan until the Secretary of State submits the certification described in subsection (b)(2).

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representative.

SA 4245. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 150. REPORT TO CONGRESS ON AIR FORCE CAPABILITIES ASSOCIATED WITH OPERATING IN A GPS-DEGRADED ENVIRONMENT.

(a) REPORT REQUIRED.—Not later than March 31, 2022, the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, in coordination with the Air Combat Command, shall submit to the congressional defense committees a report on—

(1) the procurement of Global Positioning System (GPS) jamming technologies that are training enablers for Air Force pilots to operate in a GPS-degraded environment; and

(2) the status of near-peer competitor efforts in the area of active denial of GPS capabilities.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An explanation of how narrow-beam directional GPS jamming technology is a training enabler to pilots operating in GPS-degraded environments.

(2) The level of investment made by the Air Force in the area of GPS jamming technology for training in GPS-degraded environments.

(3) A five-year plan, executable under the Program Objective Memorandum of the Air Force for fiscal year 2022, that will significantly advance the capabilities of the Air Force to train pilots in GPS-degraded environments.

(4) Recommendations for additional research and development of GPS jamming technologies that will enable development of Air Force capabilities and training in GPS-degraded environments, including systems that—

(A) can incorporate GPS jamming technology components that the Air Force has already invested in;

(B) leverage commercial-off-the-shelf technology to the fullest extent possible;

(C) use multiple sensors with a command and control that fuses tracks;

(D) possess automatic tracking capabilities that enable the targeting of individual aircraft with a steerable GPS jamming beam;

(E) possess airspace deconfliction capabilities organic to the command and control to ensure the safety of civilian or other military aircraft; and

(F) are highly mobile and capable of being rapidly deployed to remote operational environment areas with minimal organic support.

(5) A presentation of current systems, research, development, test, and evaluation of systems, procurement of systems, and other activities or technologies of near-peer competitors, including the People's Republic of China and the Russian Federation, that are being carried out to provide the capability to actively deny GPS-related technologies.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form.

SA 4246. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. EXPORT CONTROL MEASURES RELATING TO SEMICONDUCTOR MANUFACTURING INTERNATIONAL CORPORATION AND HUAWEI TECHNOLOGIES CO., LTD.

(a) REMOVAL FROM ENTITY LIST.—The President may not remove SMIC from the Entity List unless—

(1) the President certifies to the appropriate congressional committees that SMIC—

(A) has ceased the activities that were the basis for its addition to the Entity List consistent with the standards for removal of an entity from the Entity List established in the Export Administration Regulations;

(B) could not reasonably be expected to—

(i) resume activities that were the basis for its addition to the Entity List;

(ii) contribute directly or indirectly to the military or intelligence efforts of a country subject to a United States arms embargo; and

(iii) directly or indirectly develop technologies that may be used for violations of internationally recognized human rights, including the surveillance of individuals based on religious, ethnic, cultural, or political expressions or affiliations; and

(C) does not pose a threat to the national security or foreign policy interests of the United States or its allies; or

(2) the President removes SMIC from the Entity List in order to include SMIC on the Denied Persons List.

(b) REVISION OF LICENSING REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a final rule revising the Export Administration Regulations to require that the following be subject to a presumption of denial:

(1) An application for a license or other authorization for the export, re-export, or in-country transfer to SMIC of items capable of supporting the development or production of semiconductors at technology nodes 16 nanometers or below.

(2) An application for a license or other authorization for exports, re-exports, or in-country transfers to Huawei Technologies Co., Ltd. or any of its successor entities or affiliates of items capable of supporting the development or production of semiconductors.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report on applications for licenses for the export, reexport, or in-country transfer of items to SMIC that were issued, denied, or returned without action during the year preceding submission of the report.

(2) MATTERS TO BE INCLUDED.—For each application for a license described in subparagraph (A), the report required by that subparagraph (A) shall include—

(A) an identification of the items to which the application is related;

(B) a description of the end-uses of the items;

(C) a description of the capabilities of the items;

(D) the quantity and value of the items;

(E) the identities of the entities seeking the license; and

(F) if the application was approved, a statement of how the approval of the license is consistent with the national security and foreign policy interests of the United States.

(d) DEFINITIONS.—In this section:

(1) AFFILIATE.—The term ''affiliate'', with respect to an entity, means any other entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the entity.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) DENIED PERSONS LIST.—The term ''Denied Persons List'' means the list maintained by the Bureau of Industry and Security of the Department of Commerce and pursuant to section 764.3(a)(2) of the Export Administration Regulations.

(4) ENTITY LIST.—The term ''Entity List'' means the list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

(5) EXPORT; EXPORT ADMINISTRATION REGULATIONS; IN-COUNTRY TRANSFER; ITEMS; REEXPORT.—The terms ''export'', ''Export Administration Regulations'', ''in-country transfer'', ''items'', and ''reexport'' have the meanings given those terms in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(6) SMIC.—The term ''SMIC'' means the Semiconductor Manufacturing International Corporation and any of its successor entities or affiliates.

SA 4247. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ESTABLISHMENT OF OFFICE OF INTELLIGENCE IN DEPARTMENT OF AGRICULTURE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912 et seq.) is amended by adding at the end the following:

''SEC. 224B. OFFICE OF INTELLIGENCE.

''(a) ESTABLISHMENT.—There is established in the Department an Office of Intelligence. The Office shall be under the National Intelligence Program.

''(b) DIRECTOR.—

''(1) IN GENERAL.—The Office shall be headed by the Director of the Office of Intelligence, who shall be an employee in the Senior Executive Service and who shall be appointed by the Secretary. The Director shall report directly to the Secretary.

''(2) QUALIFICATIONS.—The Secretary shall select an individual to serve as the Director from among individuals who have significant experience serving in the intelligence community.

''(3) STAFF.—The Director may appoint and fix the compensation of such staff as the Director considers appropriate, except that the Director may not appoint more than 5 full-time equivalent positions at an annual rate of pay equal to or greater than the maximum rate of basic pay for GS–15 of the General Schedule.

''(4) DETAIL OF PERSONNEL OF INTELLIGENCE COMMUNITY.—Upon the request of the Director, the head of an element of the intelligence community may detail any of the personnel of such element to assist the Office in carrying out its duties. Any personnel detailed to assist the Office shall not be taken into account in determining the number of full-time equivalent positions of the Office under paragraph (3).

''(c) DUTIES.—The Office shall carry out the following duties:

''(1) The Office shall be responsible for leveraging the capabilities of the intelligence community and National Laboratories intelligence-related research, to ensure that the Secretary is fully informed of threats by foreign actors to United States agriculture.

''(2) The Office shall focus on understanding foreign efforts to—

''(A) steal United States agriculture knowledge and technology; and

''(B) develop or implement biological warfare attacks, cyber or clandestine operations, or other means of sabotaging and disrupting United States agriculture.

''(3) The Office shall prepare, conduct, and facilitate intelligence briefings for the Secretary and appropriate officials of the Department.

''(4) The Office shall operate as the liaison between the Secretary and the intelligence community, with the authority to request intelligence collection and analysis on matters related to United States agriculture.

''(5) The Office shall collaborate with the intelligence community to downgrade intelligence assessments for broader dissemination within the Department.

''(6) The Office shall facilitate sharing information on foreign activities related to agriculture, as acquired by the Department with the intelligence community.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Office $970,000 for fiscal year 2022.

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) The term 'Director' means the Director of the Office of Intelligence appointed under subsection (b).

''(2) The terms 'intelligence community' and 'National Intelligence Program' have the meaning given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(3) The term 'Office' means the Office of Intelligence of the Department established under subsection (a).''.

(2) CONFORMING AMENDMENTS.—

(A) Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by redesignating the first section 225 (relating to Food Access Liaison) (7 U.S.C. 6925) as section 224A.

(B) Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by adding at the end the following:

''(11) The authority of the Secretary to carry out section 224B.''.

(b) CONFORMING AMENDMENTS RELATING TO EXISTING FUNCTIONS AND AUTHORITIES.—

(1) EXISTING FUNCTIONS OF OFFICE OF HOMELAND SECURITY OF DEPARTMENT RELATING TO INTELLIGENCE ON THREATS TO FOOD AND AGRICULTURE CRITICAL INFRASTRUCTURE SECTOR.—

(A) IN GENERAL.—Section 221(d) of the Department of Agriculture Reorganization Act (7 U.S.C. 6922(d)) is amended—

(i) by striking paragraphs (4) and (5); and

(ii) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(B) TRANSFER OF RELATED PERSONNEL AND ASSETS OF OFFICE OF HOMELAND SECURITY.—The functions which the Office of Homeland Security of the Department of Agriculture exercised under paragraphs (4) and (5) of section 221(d) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6922(d)) before the effective date of this paragraph, together with the funds, assets, and other resources used by the Director of the Office of Homeland Security of the Department of Agriculture to carry out such functions before the effective date of this paragraph, are transferred to the Director of the Office of Intelligence of the Department of Agriculture.

(2) CARRYING OUT INTERAGENCY EXCHANGE PROGRAM FOR DEFENSE OF FOOD AND AGRICULTURE CRITICAL INFRASTRUCTURE SECTOR.—Section 221(e) of the Department of Agriculture Reorganization Act (7 U.S.C. 6922(e)) is amended by adding at the end the following new paragraph:

''(3) AUTHORITY OF DIRECTOR OF OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.—The Secretary shall carry out this subsection acting through the Director of the Office of Intelligence of the Department.''.

(3) COORDINATING WITH INTELLIGENCE COMMUNITY ON POTENTIAL THREATS TO AGRICULTURE.—Section 335(a)(3) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (7 U.S.C. 3354(a)(3)) is amended by striking ''strengthen coordination'' and inserting ''acting through the Director of the Office of Intelligence in the Department of Agriculture, strengthen coordination''.

(4) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect upon the appointment of the Director of the Office of Intelligence in the Department of Agriculture under section 224B(b) of the Department of Agriculture Reorganization Act of 1994 (as added by subsection (a)(1)).

SA 4248. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REAUTHORIZATION OF SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''September 30, 2022'' and inserting ''September 30, 2027''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2022'' and inserting ''2027''.

(c) PILOT PROGRAM.—Section 9(gg)(7) of the Small Business Act (15 U.S.C. 638(gg)(7)) is amended by striking ''2022'' and inserting ''2027'',

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SA 4249. Ms. DUCKWORTH (for herself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. ASSESSMENT OF THE COUNTER-UNMANNED AERIAL SYSTEMS (UAS) CAPABILITY OF PARTNER FORCES IN IRAQ.

(a) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees an assessment of—

(1) the current state of counter-UAS capability of partner forces in Iraq, including in the Iraqi Kurdistan Region; and

(2) its implications for the security of United States and partner forces in the region against UAS attack.

(b) ELEMENTS.—The assessment required by subsection (a) shall include descriptions of—

(1) the current level of counter-UAS training and equipment available to partner forces in Iraq, including in the Iraqi Kurdistan Region;

(2) the type of additional training and equipment needed to maximize the level of counter-UAS capability of partner forces in Iraq, including in the Iraqi Kurdistan Region;

(3) the availability of additional training and equipment required to maximize partner forces' counter-UAS capability;

(4) an assessment of the current and anticipated threat from UAS systems to Iraqi and coalition security forces to determine the appropriate level of requirements for counter-UAS systems and training; and

(5) any other matters the Secretary of Defense determines appropriate.

SA 4250. Mr. WHITEHOUSE (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1237. INCLUSION OF PORTUGAL AMONG FOREIGN STATES WHOSE NATIONALS ARE ELIGIBLE FOR E VISAS.

(a) SHORT TITLES.—This section may be cited as the ''Advancing Mutual Interests and Growing Our Success Act'' or the ''AMIGOS Act''.

(b) NONIMMIGRANT TRADERS AND INVESTORS.—For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Portugal shall be considered to be a foreign state described in such section if the Government of Portugal provides similar nonimmigrant status to nationals of the United States.

SA 4251. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1264. REPORT ON NAGORNO KARABAKH CONFLICT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the 2020 conflict in Nagorno Karabakh.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the use of any United States-origin equipment in the 2020 conflict in Nagorno Karabakh, including any potential violations of the Arms Export Control Act (22 U.S.C. 2751 et seq.), sanctions laws, or other provisions of United States law related to the use of United States-origin parts and technology in a conflict.

(2) An assessment of the use of white phosphorous, cluster bombs, and other prohibited munitions in the conflict, including an assessment of any potential violations of United States or international law related to the use of such munitions.

(3) A description of the involvement of foreign actors in the conflict, including a description of the military activities, influence operations, and diplomatic engagement by foreign countries before, during, and after the conflict, and any efforts by parties to the conflict or foreign actors to recruit or employ foreign fighters during the conflict.

(4) Any other matter the Secretary of State considers important.

SA 4252. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 356. APPROPRIATION OF AMOUNTS FOR CLEANUP OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) APPROPRIATION.—There is appropriated to the Secretary of Defense for operation and maintenance, out of amounts in the Treasury not otherwise appropriated, $549,000,000, to be used for testing and response actions relating to perfluoroalkyl and polyfluoroalkyl substances.

(b) AVAILABILITY.—The amount appropriated under subsection (a) shall be made available as follows:

(1) For the Department of the Army, $100,000,000.

(2) For the Department of the Navy, $174,000,000.

(3) For the Department of the Air Force, $175,000,000.

(4) For the Department of Defense for cleanup at formerly used defense sites, $100,000,000.

(c) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts appropriated under subsection (a) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, subsection (a) is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 4253. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 1516. SPACE TECHNOLOGY ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) APPLICATION.—The term ''application'' means an application, petition, or other request for a license, including an application, petition, or other request to transfer a license that has already been issued.

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) COMMITTEE.—The term ''Committee'' means the committee established by subsection (b)(1).

(5) COMMITTEE ADVISOR.—The term ''Committee advisor'' means an individual described in subsection (b)(2)(B).

(6) COMMITTEE MEMBER.—The term ''Committee member'' means an individual described in subsection(b)(2)(A).

(7) LEAD MEMBER.—The term ''lead member'' means a Committee member designated under subsection (b)(4) to carry out a specific duty of the Committee.

(8) LICENSE.—The term ''license'' means a license for—

(A) a launch site;

(B) a launch and reentry vehicle;

(C) a commercial spaceport;

(D) a commercial Earth remote sensing satellite; or

(E) commercial satellite communications.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(b) COMMITTEE TO ADVISE SPACE LICENSING AUTHORITIES.—

(1) ESTABLISHMENT.—There is established a committee to assist the Administrator, the Secretary, and the Commission in conducting reviews of applications and licenses for the purpose of determining whether granting the applications or maintaining the licenses poses a risk to the national security or law enforcement or public safety interests of the United States.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be comprised of the following Committee members:

(i) The head, or a senior executive-level designee of the head, of each of the following:

(I) The Department of Defense.

(II) The Department of Homeland Security.

(III) The Department of Justice.

(IV) The Office of the Director of National Intelligence.

(V) The Federal Aviation Administration.

(VI) The National Space Council.

(VII) The Department of Commerce.

(ii) The head of any other executive department of agency, or any Assistant to the President, as the President considers appropriate.

(B) ADVISORY MEMBERS.—In addition to the Committee members, the following individuals shall serve as Committee advisors:

(i) The head, or a senior executive-level designee of the head, of each of the following:

(I) The Department of State.

(II) The Office of the United States Trade Representative.

(III) The Department of the Treasury.

(IV) The Securities and Exchange Commission.

(V) The Federal Communications Commission.

(VI) The Environmental Protection Agency.

(VII) The Department of the Interior.

(VIII) The Office of Science and Technology Policy.

(IX) The Federal Bureau of Investigation.

(ii) The Assistant to the President for National Security Affairs.

(3) CHAIRPERSON.—

(A) IN GENERAL.—The Secretary of Defense shall serve as the chairperson of the Committee.

(B) EXCLUSIVE AUTHORITY.—The chairperson shall have the exclusive authority to act, or to authorize any other Committee member to act, on behalf of the Committee, including by communicating with the Administrator, the Secretary, the Commission, and applicants and licensees.

(4) LEAD MEMBERS.—The chairperson shall designate one or more Committee members to serve as a lead member for carrying out a Committee duty, consistent with the Committee member's statutory authority.

(5) ASSISTANT SECRETARY FOR SPACE REVIEW.—

(A) IN GENERAL.—The chairperson shall establish within the Office of the Under Secretary of Defense for Acquisition and Sustainment the position of Assistant Secretary for Space Review, which position shall be principally related to the Committee, as delegated by the Secretary of Defense.

(B) DUTIES.—The duties of the Assistant Secretary for Space Review shall be—

(i) to prioritize the organization and management of Committee meetings; and

(ii) to produce written archival records of Committee actions.

(6) INFORMATION SHARING AND CONSULTATION.—The chairperson and each lead member shall—

(A) keep the Committee fully informed of their respective activities on behalf of the Committee; and

(B) consult the Committee before taking any material action under this section.

(7) DUTIES.—

(A) RECEIPT OF APPLICATIONS AND LICENSES.—The Administrator, the Secretary, and the Commission shall refer all applications and licenses to the Committee, and the Committee shall receive such applications and licenses, for review and determination.

(B) REVIEW OF APPLICATIONS AND LICENSES.—

(i) IN GENERAL.—The Committee shall—

(I) conduct a review and assessment of each application and license received;

(II) with respect to each such application and license—

(aa) submit questions or requests for information to the applicant, licensee, or any other entity for purposes of the assessment under item (bb);

(bb) assess whether granting the application or maintaining the license would pose a risk to the national security or law enforcement or public safety interests of the United States;

(cc) in the case of an application or a license with respect to which the Committee determines such a risk exists, determine whether, as applicable—

(AA) the application should be granted or denied; or

(BB) the license should be maintained or revoked; and

(dd) in the case of an application or license determined to pose such a risk that may be addressed through approval with conditions—

(AA) not later than 30 days after the date on which the Committee receives such application or license for review, propose to the Administrator, the Secretary, or the Commission, as applicable, the measures necessary to address the risk, and recommend that the application only be granted, or the license only maintained, on the condition of compliance by the applicant or licensee with such measures;

(BB) if the Administrator, the Secretary, or the Commission approves the measures proposed under subitem (AA) and grants the application, or maintains the license, communicate with the applicant or licensee with respect to such measures; and

(CC) monitor compliance with such measures.

(ii) TIMELINE.—Not later than 30 days after the date on which the chairperson determines under subparagraph (D) that the response of the applicant or licensee to any question or information request is complete, the Committee shall complete the review under this subparagraph.

(iii) NOTIFICATION.—The chairperson shall notify the Administrator, the Secretary, or the Commission, as applicable, of any application or license determined by the Committee to warrant a secondary assessment.

(C) SECONDARY ASSESSMENT OF APPLICATIONS AND LICENSES.—

(i) IN GENERAL.—The Committee shall—

(I) conduct a secondary assessment of any application or license determined by the Committee to pose a risk to the national security or law enforcement or public safety interests of the United States that cannot be addressed through standard mitigation measures; and

(II) with respect to each such application or license—

(aa) submit additional questions or requests for information to the applicant, licensee, or any other entity to determine whether there are unresolved concerns; and

(bb) make a recommendation to the Administrator, the Secretary, or the Commission, as applicable, on whether the application should be denied or the license should be revoked.

(ii) TIMELINE.—Not later than 90 days after the date on which the Committee determines that a secondary assessment under this subparagraph is warranted, the Committee shall complete the assessment.

(iii) NOTIFICATION.—The chairperson, in coordination with the Administrator, the Secretary, and the Commission, shall notify the National Security Council and the President of any application or license with respect to which the Committee recommends a denial or revocation.

(D) REQUESTS FOR ADDITIONAL INFORMATION.—

(i) IN GENERAL.—Not later than 15 days after receiving a response to questions or requests for additional information submitted to an applicant, licensee, or any other entity pursuant to an review under subparagraph (B) or a secondary assessment under subparagraph (C), the Committee shall—

(I) make a determination as to whether such response is complete; and

(II) notify the Administrator, the Secretary, or the Commission, as applicable, of such determination.

(ii) FAILURE TO RESPOND.—

(I) IN GENERAL.—In the case of an applicant, licensee, or other entity that fails to respond to such questions or requests for additional information, the Committee may make a recommendation to the Administrator, the Secretary, or the Commission, as applicable—

(aa) to deny the application concerned without prejudice; or

(bb) to rescind the license concerned.

(II) NOTIFICATION.—

(aa) EXTENSION.—The chairperson shall notify the Administrator, the Secretary, or the Commission, as applicable, of any extension of the review or secondary assessment period.

(bb) DENIAL.—The chairperson, in coordination with the Administrator, the Secretary, or the Commission, as applicable, shall notify the National Security Council and the President of any recommendation by the Committee to deny an application or rescind a license.

(iii) CONFIDENTIALITY.—Information submitted to the Committee shall not be disclosed to any individual or entity outside the departments or agencies of Committee members and Committee advisors, except as appropriate and consistent with procedures governing the handling of classified or otherwise privileged information.

(E) NOTIFICATION OF NO OBJECTIONS.—If the Committee does not have a recommendation or an objection to granting an application or maintaining a license, the Committee shall so notify the Administrator, the Secretary, or the Commission, as applicable.

(F) OTHER DUTIES.—The Committees shall conduct other related duties, as the chairperson considers appropriate.

(c) THREAT ANALYSIS.—With respect to each application and license reviewed by the Committee, the Director of National Intelligence, in coordination with the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), shall issue a written assessment of any threat to the national security interests of the United States posed by granting the application or maintaining the license.

SA 4254. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2____. APPLICATION OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE TO QUANTUM INFORMATION SCIENCES AND TECHNOLOGY RESEARCH.

In carrying out section 1599g of title 10, United States Code, the Secretary of Defense may establish public-private exchange programs, each with up to 10 program participants, focused on private sector entities working on quantum information sciences and technology research applications.

SEC. 2____. MODIFICATION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) IN GENERAL.—Section 2192a(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4) The Secretary shall, to the degree the Secretary considers practicable and appropriate, allow a person receiving financial assistance under this section to delay completion of the person's service obligation under this section until the person has completed—

''(A) the terminal degree program of education that is typically expected in the field the person is pursuing; or

''(B) a post-graduate fellowship at a non-Department laboratory.

''(5) In employing participants during the period of obligated service, the Secretary shall strive to ensure that participants are compensated, to the extent practicable, at a rate that is comparable to the rate of compensation for employment in a similar position in the private sector.''.

(b) REPORT ON QUANTUM SCIENCE ACTIVITIES WITHIN SMART PROGRAM.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on participation and use of the program under section 2192a of title 10, United States Code, as amended by this subsection, with a particular focus on levels of interest from students engaged in studying quantum fields.

SEC. 2____. IMPROVEMENTS TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) FELLOWSHIPS.—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) FELLOWSHIPS.—

''(1) PROGRAM REQUIRED.—In carrying out the program required by subsection (a) and subject to the availability of appropriations to carry out this subsection, the Secretary shall carry out a program of fellowships in quantum information science and technology research and development for individuals who have a graduate or post-graduate degree.

''(2) GUIDELINES.—The Secretary shall award fellowships under the program required by paragraph (1) pursuant to guidelines that the Secretary shall establish and using appropriate authorities and programs available to the Secretary.

''(3) EQUAL ACCESS.—In carrying out the program required by paragraph (1), the Secretary shall establish procedures to ensure that minority, geographically diverse, and economically disadvantaged students have equal access to fellowship opportunities under such program.''.

(b) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—Such section is further amended—

(1) by redesignating subsection (g), as redesignated by subsection (a)(1), as subsection (h); and

(2) by inserting after subsection (f), as added by subsection (a)(2), the following new subsection (g):

''(g) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—In carrying out the program under subsection (a), the Secretary of Defense may develop partnerships with universities to enable students to engage in multidisciplinary courses of study.''.

(c) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF PROGRAM.—

(1) ASSESSMENT AND BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) commence an assessment of the program carried out under section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note), as amended by this section, with consideration of the report submitted under subsection (h) of such section (as redesignated by subsection (b)(2) of this section); and

(B) provide the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to such program.

(2) FINAL REPORT.—At a date agreed to by the Comptroller General and the congressional defense committees at the briefing provided pursuant to paragraph (1)(B), the Comptroller General shall submit to the congressional defense committees a final report with the findings of the Comptroller General with respect to the assessment conducted under paragraph (1)(A).

SEC. 2___. IMPROVEMENTS TO NATIONAL QUANTUM INITIATIVE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the execution of the National Defense Strategy is critical to national security; and

(2) the success of the National Quantum Initiative Program is necessary for the Department of Defense to carry out the National Defense Strategy.

(b) DEPARTMENT OF DEFENSE PARTICIPATION IN NATIONAL QUANTUM INITIATIVE PROGRAM.—

(1) CONSULTATION.—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note), as amended by section **[**2___**]**, is further amended by inserting after subsection (h), as redesignated by section **[**2___**]**, the following new subsection:

''(i) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of Energy, the Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, and such other officials as the Secretary of Defense considers appropriate in development of efforts to conduct basic research to accelerate scientific breakthroughs in quantum information science and technology.''.

(c) ADDITIONAL IMPROVEMENTS REGARDING CONSULTATION AND COORDINATION.—

(1) IN GENERAL.—The Secretary of Energy, the Secretary of Commerce acting through the Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, and the heads of other Federal agencies participating in the National Quantum Initiative Program shall consult with each other and the heads of other relevant Federal agencies, including the Secretary of Defense and the Director of National Intelligence, to carry out the goals of the National Quantum Initiative Program.

(2) INVOLVEMENT OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY IN NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE.—

(A) QUALIFICATIONS.—Subsection (b) of section 104 of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8814) is amended by striking ''and Federal laboratories'' and inserting ''Federal laboratories, and defense and intelligence researchers''.

(B) INTEGRATION.—Such section is amended—

(i) by redesignating subsections (e) through (g) as subsection (f) through (h), respectively; and

(ii) by inserting after subsection (d) the following new subsection (e):

''(e) INTEGRATION OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY.—The Advisory Committee shall take such actions as may be necessary, including by modifying policies and procedures of the Advisory Committee, to ensure the full integration of the Department of Defense and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in activities of the Advisory Committee.''.

(3) CLARIFICATION OF PURPOSE OF MULTIDISCIPLINARY CENTERS FOR QUANTUM RESEARCH AND EDUCATION.—Section 302(c) of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8842(c)) is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(4) encouraging workforce collaboration, both with private industry and among Federal entities, including national defense agencies and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).''.

(4) COORDINATION OF NATIONAL QUANTUM INFORMATION SCIENCE RESEARCH CENTERS.—Section 402(d) of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8852(d)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) other research entities of the Federal government, including research entities in the Department of Defense and research entities in the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));''.

(5) NATIONAL QUANTUM COORDINATION OFFICE, COLLABORATION WHEN REPORTING TO CONGRESS.—Section 102 of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8812) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

''(c) COLLABORATION WHEN REPORTING TO CONGRESS.—The Coordination Office shall ensure that when participants in the National Quantum Initiative Program prepare and submit reports to Congress that they do so in collaboration with each other and as appropriate Federal civilian, defense, and intelligence research entities.''.

(6) REPORTING TO ADDITIONAL COMMITTEES OF CONGRESS.—Paragraph (2) of section 2 of such Act (15 U.S.C. 8801) is amended to read as follows:

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SA 4255. Ms. HASSAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUPPORT AND SERVICES FOR CRITICAL INFRASTRUCTURE.

Section 2012 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) Critical infrastructure (as defined in the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c)).''; and

(2) in subsection (f), by adding at the end the following new paragraph:

''(5) Procedures to ensure that assistance provided to an entity specified in subsection (e)(3) is provided in a manner that is consistent with similar assistance provided under authorities applicable to other Federal departments and agencies, including the authorities of the Cybersecurity and Infrastructure Agency under title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.).''.

SA 4256. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 376. BRIEFING ON AIR FORCE PLAN FOR CERTAIN AEROSPACE GROUND EQUIPMENT MODERNIZATION.

Not later than March 1, 2022, the Secretary of the Air Force shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on current and future plans for the replacement of aging aerospace ground equipment, which shall include—

(1) an analysis of the average yearly cost to the Air Force of maintaining legacy and out-of-production air start carts;

(2) a comparison of the cost of reconditioning existing legacy systems compared to the cost of replacing such systems with next-generation air start carts;

(3) an analysis of the long-term maintenance and fuel savings that would be realized by the Air Force if such systems were upgraded to next-generation air start carts;

(4) an analysis of the tactical and logistical benefits of transitioning from current aerospace ground equipment systems to modern systems; and

(5) an overview of existing and future plans to replace legacy air start carts with modern aerospace ground equipment technology.

SA 4257. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 1516. PROHIBITION ON THE USE OF AIR FORCE PERSONNEL TO PROVIDE OPERATING SUPPORT TO SPACE FORCE INSTALLATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Air Force may not use Air Force personnel to provide operating support to Space Force installations after October 1, 2024.

(b) WAIVER.—The Secretary may waive the application of subsection (a) on a case-by-case basis if the Secretary certifies to the congressional defense committees that only Air Force personnel are capable of providing the specific support necessary.

SA 4258. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. 1___. REQUIREMENT FOR OPERATIONAL USE OF F135 ENGINES.

(a) IN GENERAL.—The Secretary of the Defense may not change inspection criteria limits for the F135 engine to allow cracks in fan blades until submittal of the report under subsection (b).

(b) ANALYSIS AND REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall enter into a contract with a federally funded research and development center to provide an independent analysis of and report on the following:

(A) The risk associated with expanding limits on cracked blades or other vulnerabilities to F135 engine operations.

(B) Mitigation of risk associated with expanding such limits.

(C) Alternative courses of action to increase on wing time for the engine.

(D) Other topics as the Secretary considers appropriate.

(2) SUBMITTAL TO CONGRESS.—Not later than June 1, 2022, the Secretary shall submit to the congressional defense committees the report described in paragraph (1).

SA 4259. Mr. LUJÁN (for himself, Mr. CRAPO, Mr. KELLY, Mr. HEINRICH, Ms. ROSEN, Ms. CORTEZ MASTO, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

SEC. 3157. IDENTIFICATION OF STATES IN FINDINGS, PURPOSE, AND APOLOGY RELATING TO FALLOUT EMITTED DURING THE GOVERNMENT'S ATMOSPHERIC NUCLEAR TESTS.

Section 2(a)(1) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by inserting ", including individuals in New Mexico, Idaho, Colorado, Arizona, Utah, Texas, Wyoming, Oregon, Washington, South Dakota, North Dakota, Nevada, Montana, Guam, and the Northern Mariana Islands," after "tests exposed individuals".

SA 4260. Mr. LUJÁN (for himself, Mr. CRAPO, Mr. KELLY, Mr. HEINRICH, Ms. ROSEN, Ms. CORTEZ MASTO, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF FUND.

Section 3(d) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note)is amended—

(1) by striking the first sentence and inserting "The Fund shall terminate 2 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2022."; and

(2) by striking "22-year" and inserting "2-year".

SA 4261. Mr. TESTER (for himself, Mr. GRASSLEY, Mr. BOOKER, Mr. DAINES, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF THE SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.

The Packers and Stockyards Act, 1921, is amended by inserting after section 210 (7 U.S.C. 197c) the following:

"SEC. 211. OFFICE OF THE SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.

"(a) ESTABLISHMENT.—There is established within the Packers and Stockyards Division of the Department of Agriculture an office, to be known as the 'Office of the Special Investigator for Competition Matters' (referred to in this section as the 'Office').

"(b) SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.—The Office shall be headed by the Special Investigator for Competition Matters (referred to in this section as the 'Special Investigator'), who shall be appointed by the Secretary.

"(c) DUTIES.—The Special Investigator shall—

"(1) use all available tools, including subpoenas, to investigate and prosecute violations of this Act by packers;

"(2) serve as a Department of Agriculture liaison to, and act in consultation with, the Department of Justice and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector;

"(3) act in consultation with the Department of Homeland Security with respect to national security and critical infrastructure security in the food and agricultural sector; and

"(4) maintain a staff of attorneys and other professionals with appropriate expertise.

"(d) PROSECUTORIAL AUTHORITY.—Notwithstanding title 28, United States Code, the Special Investigator shall have the authority to bring any civil or administrative action authorized under this Act against a packer.".

SA 4262. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. GLOBAL COVID–19 VACCINE DISTRIBUTION AND DELIVERY.

(a) ACCELERATING GLOBAL COVID–19 VACCINE DISTRIBUTION STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Administrator of the United States Agency for International Development, the Director of the Centers for Disease Control and Prevention, the Chief Executive Officer of the United States International Development Finance Corporation, and the heads of other relevant Federal departments and agencies, as determined by the President, shall develop a strategy to expand access to, and accelerate the global distribution of, COVID–19 vaccines to other countries.

(b) CONTENTS.—The strategy developed pursuant to subsection (a) shall—

(1) describe how the United States Government will ensure the efficient delivery and

administration of COVID–19 vaccines to United States citizens residing overseas, including through the donation of vaccine doses to United States embassies, consulates, and international Department of Defense Outside Contiguous United States sites, as appropriate; and

(2) give priority for COVID–19 vaccine deliveries to—

(A) countries in which United States citizens are deemed ineligible or low priority in the national vaccination deployment plan; and

(B) countries that are not presently distributing a COVID–19 vaccine that—

(i) has been approved by the United States Food and Drug Administration for emergency use; or

(ii) has met the necessary criteria for safety and efficacy established by the World Health Organization.

(c) SUBMISSION OF STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit the strategy developed pursuant to subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Health, Education, Labor, and Pensions of the Senate;

(5) the Committee on Foreign Affairs of the House of Representatives;

(6) the Committee on Armed Services of the House of Representatives;

(7) the Committee on Appropriations of the House of Representatives; and

(8) the Committee on Energy and Commerce of the House of Representatives.

SA 4263. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. LIMITATION ON AUTHORIZATIONS FOR THE INTRODUCTION OF ARMED FORCES INTO HOSTILITIES.

Section 5 of the War Powers Resolution (50 U.S.C. 1544) is amended by adding at the end the following new subsection:

''(d) Any specific authorization for the introduction of United States Armed Forces enacted by Congress in accordance with subsection (b) shall terminate not later than 2 years after the date of such enactment.''.

SA 4264. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. AMENDMENT OF WAR POWERS RESOLUTION REGARDING AUTHORIZATION AND TERMINATION OF ACTIVITIES RELATING TO HOSTILITIES.

(a) AUTHORIZATION OF ACTIVITIES.—Section 4 of the War Powers Resolution (50 U.S.C. 1543) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) into hostilities or a situation where there is a serious risk of hostilities either because of the need to repel a sudden attack upon the United States, its territories or possessions, its armed forces, or other United States citizens overseas or because the concrete, specific, and immediate threat of such a sudden attack, and the time required to provide Congress with a briefing necessary to inform a vote to obtain prior authorization from Congress within 72 hours would prevent an effective defense against the attack or threat of immediate attack;'';

(B) in the matter following paragraph (3)—

(i) by redesignating subparagraphs (A), (B), and (C), as clauses (i), (ii), and (iii), respectively, and moving such clauses (as so redesignated) 2 ems to the right; and

(ii) by striking ''shall'' and inserting the following: ''shall—''

''(A) with respect to paragraph (1)—

''(i) within 48 hours, inform Congress of the President's decision, describe the action taken, the justification for proceeding without prior authorization, and certify either that hostilities have concluded or that they are continuing; and

''(ii) not later than 7 calendar days after such introduction, submit to Congress a hostilities report and request for specific statutory authorization except in cases where a certification is submitted to Congress that the President—

''(I) has withdrawn, removed, and otherwise ceased the use of United States Armed Forces from the situation that triggered this requirement; and

''(II) does not intend to reintroduce such forces; and

''(B) with respect to paragraphs (2) and (3),''; and

(2) by adding at the end the following subsection:

''(d) DEFINITION OF HOSTILITIES REPORT.—In this joint resolution, the term 'hostilities report' means a written report that sets forth the following information:

''(1) The circumstances necessitating the introduction of United States Armed Forces into hostilities or a situation where there is a serious risk of hostilities, or retaining them in a location where hostilities or the serious risk of hostilities has developed.

''(2) The estimated cost of such operations.

''(3) The specific legislative and constitutional authority for such action.

''(4) Any international law implication related to such action if applicable.

''(5) The estimated scope and duration of United States Armed Forces' participation in hostilities, including an accounting of the personnel and weapons to be deployed.

''(6) The foreign country (or countries) in which the operations or deployment of United States Armed Forces are to occur or are ongoing.

''(7) A description of their mission and the mission objectives that would indicate the mission is complete.

''(8) Any foreign partner force or multilateral organization that may be involved in the operations.

''(9) The name of the specific foreign country (or countries) or organized armed group (or groups) against which the use of force is authorized.

''(10) The risk to United States Armed Forces or other United States persons or property involved in the operations.

''(11) Any other information as may be required to fully inform Congress.''.

(b) HOSTILITIES REPORT; TERMINATION OF ACTIVITIES.—Section 5 of the War Powers Resolution (50 U.S.C. 1544) is amended—

(1) in subsection (a), by striking ''report'' each place it appears and inserting ''hostilities report''; and

(2) by striking subsection (b) and inserting the following:

''(b) If Congress does not enact a specific statutory authorization for United States Armed Forces to engage in hostilities in response to a request in accordance with section 4(a) within 20 days after the introduction of United States Armed Forces into hostilities or a situation where there is a serious risk of hostilities, the President shall withdraw, remove, and otherwise cease the use of United States Armed Forces. This 20-day period shall be extended for not more than an additional 10 days if the President determines, certifies, and justifies to Congress in writing that unavoidable military necessity involving the safety of the forces requires the continued use of the forces for the sole purpose of bringing about their safe removal from hostilities.''.

SA 4265. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. AMENDMENT OF WAR POWERS RESOLUTION TO DEFINE CERTAIN TERMS.

(a) Section 4 of the War Powers Resolution (50 U.S.C. 1543) is amended—

(1) in subsection (a), by striking ''in which the United States Armed Forces are introduced'' and inserting ''of the introduction of United States Armed Forces''; and

(2) in subsection (c)—

(A) by striking ''United States Armed Forces are introduced'' and inserting ''the introduction of United States Armed Forces''; and

(B) by inserting ''occurs'' after ''section''.

(b) Section 8 of the War Powers Resolution (50 U.S.C. 1547) is amended by striking subsection (c) and inserting the following:

''(c) DEFINITIONS.—In this joint resolution:

''(1) INTRODUCTION OF UNITED STATES ARMED FORCES; INTRODUCE UNITED STATES ARMED FORCES.—The terms 'introduction of United States Armed Forces' and 'introduce United States Armed Forces' mean—

''(A) with respect to hostilities or a situation where there is a serious risk of hostilities, any commitment, engagement, or other involvement of United States Armed Forces, whether or not constituting self-defense measures by United States Armed Forces in response to an attack or serious risk of an attack in any foreign country (including the airspace, cyberspace, or territorial waters of such country) or otherwise outside the United States and whether or not United States forces are present or operating remotely launched, piloted, or directed attacks; or

''(B) the assigning or detailing of members of United States Armed Forces to command,

advise, assist, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces if—

''(i) those foreign forces are involved in hostilities; and

''(ii) such activities by United States forces make the United States a party to a conflict or are more likely than not to do so.

''(2) SUBSTANTIALLY ENLARGE.—

''(A) IN GENERAL.—The term 'substantially enlarge' means, for any 2 year period, an increase of the number of United States Armed Forces that causes the total number of forces in a foreign country to exceed the lowest number of forces in that country during that period by 25 percent or more, or any increase of 1,000 or more forces.

''(B) SPECIAL RULE.—Temporary duty and rotational forces shall be included in the number of United States Armed Forces for the purposes of subparagraph (A).''.

SA 4266. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. AMENDMENT OF REPORTING REQUIREMENTS FOR THE INTRODUCTION OF ARMED FORCES INTO HOSTILITIES.

Section 4 of the War Powers Resolution (50 U.S.C. 1543) is amended—

(1) in the matter following subsection (a)(3) by striking subparagraphs (A) through (C) and inserting the following:

''(A) the circumstances necessitating the introduction of United States Armed Forces into hostilities or a situation where there is a serious risk of hostilities, or retaining them in a location where hostilities or the serious risk of hostilities has developed;

''(B) the estimated cost of such action;

''(C) the specific legislative and constitutional authority for such action;

''(D) any international law implication related to such action if applicable;

''(E) the estimated scope and duration of United States Armed Forces' participation in hostilities, including an accounting of the personnel and weapons to be deployed;

''(F) the foreign country (or countries) in which the operations or deployment of United States Armed Forces are to occur or are ongoing;

''(G) a description of their mission and the mission objectives that would indicate the mission is complete;

''(H) any foreign partner force or multilateral organization that may be involved in the operations;

''(I) the name of the specific foreign country (or countries) or organized armed group (or groups) against which the use of force is authorized;

''(J) the risk to United States Armed Forces or other United States persons or property involved in the operations; and

''(K) any other information as may be required to fully inform Congress of such action.''; and

(2) by adding at the end the following new subsection:

''(d) In this joint resolution, the term 'hostilities' means any situation involving any use of lethal or potentially lethal force by or against United States Armed Forces (or for purposes of assigning or detailing of members of United States Armed Forces to command, advise, assist, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces), irrespective of the domain, whether such force is deployed remotely, or the intermittency thereof. The term does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 3093) if such action is intended to have exclusively non-lethal effects.''.

SA 4267. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE COALITION FOR EPIDEMIC PREPAREDNESS INNOVATIONS.

(a) IN GENERAL.—The United States is authorized to participate in the Coalition for Epidemic Preparedness Innovations (referred to in this section as ''CEPI'') as a Member of the Investors Council.

(b) INVESTORS COUNCIL AND BOARD OF DIRECTORS.—

(1) INITIAL DESIGNATION.—The President shall designate an employee of the United States Agency for International Development—

(A) to represent the United States on the Investors Council; and

(B) if such employee is nominated to the Board of Directors of CEPI, to represent the United States on the Board of Directors during the period beginning on the date of such designation and ending on September 30, 2022.

(2) ONGOING DESIGNATIONS.—The President may designate an employee of the relevant Federal department or agency with fiduciary responsibility for United States contributions to CEPI—

(A) to represent the United States on the Investors Council; and

(B) if such employee is nominated to the Board of Directors of CEPI, to represent the United States on the Board of Directors.

(3) QUALIFICATIONS.—Any employee designated pursuant to paragraph (1) or (2) shall have demonstrated knowledge and experience in the fields of development and public health, epidemiology, or medicine from the Federal department or agency with primary fiduciary responsibility for United States contributions under subsection (c).

(c) CONSULTATION.—Not later than 60 days after the date of the enactment of this Act, the employee designated pursuant to subsection (b)(1) shall consult with the appropriate congressional committees regarding—

(1) the manner and extent to which the United States plans to participate in CEPI, including through the governance of CEPI;

(2) any planned financial contributions to CEPI from the United States; and

(3) how participation in CEPI is expected to support—

(A) the United States Government Global Health Security Strategy;

(B) the applicable revision of the National Biodefense Strategy required under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104); and

(C) any other relevant programs relating to global health security and biodefense.

(d) UNITED STATES CONTRIBUTIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President, consistent with section 10003(a)(1) of the American Rescue Plan Act of 2021, should immediately make a $300,000,000 contribution to CEPI to expand the research and development of vaccines to combat the spread of COVID–19 variants.

(2) NOTIFICATION.—Not later than 15 days before a contribution is made available pursuant to paragraph (1), the President shall notify the appropriate congressional committees of the amount of such contribution and the purposes and national interests served by such contribution.

SA 4268. Mr. MURPHY (for himself, Mr. LEE, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—National Security Powers Act of 2021

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''National Security Powers Act of 2021''.

PART I—WAR POWERS REFORM

SEC. 1073. DEFINITIONS.

In this part:

(1) COUNTRY.—The term ''country'', when used in a geographic sense, includes territories (whether or not disputed) and possessions, territorial waters, and airspace.

(2) HOSTILITIES.—The term ''hostilities'' means any situation involving any use of lethal or potentially lethal force by or against United States forces (or, for purposes of paragraph 4(B), by or against foreign regular or irregular forces), irrespective of the domain, whether such force is deployed remotely, or the intermittency thereof. The term does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 5093) if such action is intended to have exclusively non-lethal effects.

(3) HOSTILITIES REPORT.—The term ''hostilities report'' means a written report that sets forth the following information:

(A) The circumstances necessitating the introduction of United States forces into hostilities or a situation where there is a serious risk thereof, or retaining them in a location where hostilities or the serious risk thereof has developed.

(B) The estimated cost of such operations.

(C) The specific legislative and constitutional authority for such action.

(D) Any international law implications related to such action if applicable.

(E) The estimated scope and duration of the United States forces' participation in hostilities, including an accounting of the personnel and weapons to be deployed.

(F) The country or countries in which the operations or deployment of United States forces are to occur or are ongoing.

(G) A description of their mission and the mission objectives that would indicate the mission is complete.

(H) Any foreign partner forces or multilateral organizations that may be involved in the operations.

(I) The name of the specific country (or countries) or organized armed group (or groups) against which the use of force is authorized.

(J) The risk to United States forces or other United States persons or property involved in the operations.

(K) Any other information as may be required to fully inform Congress.

(4) INTRODUCE.—The term ''introduce'' means—

(A) with respect to hostilities or a situation where there is a serious risk of hostilities, any commitment, engagement, or other involvement of United States forces, whether or not constituting self-defense measures by United States forces in response to an attack or serious risk thereof in any foreign country (including its airspace, cyberspace, or territorial waters) or otherwise outside the United States and whether or not United States forces are present or operating remotely launched, piloted, or directed attacks; or

(B) the assigning or detailing of members of United States forces to command, advise, assist, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces if—

(i) those foreign forces are involved in hostilities; and

(ii) such activities by United States forces make the United States a party to a conflict or are more likely than not to do so.

(5) SERIOUS RISK OF HOSTILITIES.—The term ''serious risk of hostilities'' means any situation where it is more likely than not that the United States forces will become engaged in hostilities, irrespective of whether the primary purpose of the mission is training or assistance.

(6) SPECIFIC STATUTORY AUTHORIZATION.—The term ''specific statutory authorization'' means any joint resolution or bill introduced after the date of the enactment of this Act and enacted into law to authorize the use of military force that includes, at a minimum, the following elements:

(A) A clearly defined mission and operational objectives and the identities of all individual countries or organized armed groups against which hostilities by the United States forces are authorized.

(B) A requirement the President seek from the Congress a subsequent specific statutory authorization for any expansion of the mission to include new operational objectives, additional countries, or organized armed groups.

(C) A termination of the authorization for such use of United States forces within two years absent the enactment of a subsequent specific statutory authorization for such use of United States forces.

(D) In cases where the use of military force in a particular situation is being reauthorized, an estimate and analysis prepared by the Congressional Budget Office of costs to United States taxpayers to date of operations conducted pursuant to the prior authorization or authorizations for that situation, and of prospective costs to United States taxpayers for operations to be conducted pursuant to the proposed authorization.

(7) SUBSTANTIALLY ENLARGE.—The term ''substantially enlarge'' means, for any two-year period, an increase in the number of United States forces that causes the total number of forces in a foreign country to exceed the lowest number of forces in that country during that period by 25 percent or more, or any increase of 1,000 or more forces. Temporary duty and rotational forces shall be included in the number of United States forces for the purposes of this part.

(8) TRAINING.—When used with respect to any foreign regular or irregular forces, the term ''training'' has the meaning given the term ''military education and training'' in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403), but does not include training that is focused entirely on observance of and respect for the law of armed conflict, human rights and fundamental freedoms, the rule of law, and civilian control of the military.

(9) UNITED STATES FORCES.—The term ''United States forces'' means any individuals employed by, or under contract to, or under the direction of, any department or agency of the United States Government who are—

(A) deployed military or paramilitary personnel; or

(B) military or paramilitary personnel who use lethal or potentially lethal force in the cyberspace domain.

SEC. 1074. POLICY.

The constitutional authority of the President as Commander-in-Chief to introduce United States Armed forces into hostilities or into situations where there is a serious risk of hostilities shall be exercised only pursuant to—

(1) a declaration of war;

(2) specific statutory authorization; or

(3) when necessary to repel a sudden attack, or the concrete, specific, and immediate threat of such a sudden attack upon the United States, its territories, or possessions, its armed forces, or other United States citizens overseas.

SEC. 1075. SUNSET OF EXISTING AUTHORIZATIONS FOR THE USE OF MILITARY FORCE.

Effective 180 days after the date of the enactment of this Act, the following laws are hereby repealed:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note).

(2) The Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

(3) The Authorization for Use of Military Force Against Iraq (Public Law 102–1; 105 Stat. 3; 50 U.S.C. 1541 note).

(4) The 1957 Authorization for Use of Military Force in the Middle East (Public Law 87–5).

SEC. 1076. REPEAL OF THE WAR POWERS RESOLUTION.

The War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.) is hereby repealed.

SEC. 1077. NOTIFICATION.

The President shall notify Congress, in writing, within 48 hours after United States forces enter the territory, airspace, or waters of a foreign country—

(1) while equipped for combat, except for deployments which relate solely to transportation, supply, replacement, or training of such United States forces; or

(2) in numbers that substantially enlarge the number of United States forces already located in a foreign nation.

SEC. 1078. REQUIREMENT FOR AUTHORIZATION.

(a) PRIOR AUTHORIZATION FOR CERTAIN ACTIVITIES RELATING TO HOSTILITIES.—Except as provided in subsection (b), before introducing United States forces into hostilities or a situation where there is a serious risk of hostilities, the President shall provide a hostilities report to Congress and obtain a specific statutory authorization for such introduction. The President shall provide continuing hostilities reports to Congress 30 days after the initial report and every 30 days thereafter, in accordance with subsection (d).

(b) AUTHORIZATION FOR CERTAIN ACTIVITIES RELATING TO HOSTILITIES.—In cases where the President introduces United States forces into hostilities or a situation where there is a serious risk of hostilities either because of the need to repel a sudden attack upon the United States, its territories or possessions, its armed forces, or other United States citizens overseas or because the concrete, specific, and immediate threat of such a sudden attack, and the time required to provide Congress with a briefing necessary to inform a vote to obtain prior authorization from Congress within 72 hours would prevent an effective defense against the attack or threat of immediate attack, the President shall—

(1) within 48 hours of ordering the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, inform Congress of the President's decision, describe the action taken, the justification for proceeding without prior authorization, and certifying either that hostilities have concluded or that they are continuing; and

(2) not later than 7 calendar days after ordering the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, submit to Congress a hostilities report and request for specific statutory authorization except in cases where a certification is submitted to Congress that the President—

(A) has withdrawn, removed, and otherwise ceased the use of United States forces from the situation that triggered this requirement; and

(B) does not intend to reintroduce them.

(c) TERMINATION OF ACTIVITIES RELATED TO HOSTILITIES.—If Congress does not enact a specific statutory authorization for United States forces to engage in hostilities in response to a request in accordance with subsection (b) within 20 days after the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, the President shall withdraw, remove, and otherwise cease the use of United States forces. This 20-day period shall be extended for not more than an additional 10 days if the President determines, certifies, and justifies to Congress in writing that unavoidable military necessity involving the safety of the forces requires the continued use of the forces for the sole purpose of bringing about their safe removal from hostilities.

(d) CONTINUING HOSTILITIES REPORTS.—If the President obtains specific statutory authorization, the President shall continue to provide hostilities reports to Congress on the United States' forces' engagement or possible engagement in hostilities whenever there is a material change in the information previously reported under this section and in no event less frequently than every 30 days from the delivery of the first hostilities report.

(e) FORM.—Any report submitted pursuant to subsection (a), (b), or (d) shall be submitted to Congress in unclassified form without any designation relating to dissemination control and may include a classified annex only to the extent required to protect the national security of the United States.

(f) TRANSMITTAL.—Each report submitted pursuant to subsection (a), (b), or (d) shall be transmitted to each house of Congress on the same calendar day. The report shall be—

(1) referred to—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) made available to any member of Congress upon request.

SEC. 1079. EXPEDITED PROCEDURES FOR CONGRESSIONAL ACTION.

(a) CONSIDERATION BY CONGRESS.—Any resolution of disapproval described in subsection (b) may be considered by Congress using the expedited procedures set forth in this section.

(b) RESOLUTION OF DISAPPROVAL.—For purposes of this section, the term ''resolution'' means only a joint resolution of the two Houses of Congress—

(1) the title of which is as follows: ''A joint resolution disapproving of the use of the United States Armed Forces in the prosecution of certain conflict.'';

(2) which does not have a preamble; and

(3) the sole matter after the resolving clause of which is as follows: ''That Congress does not approve the use of military force in the prosecution of _____'', with the blank space being filled with a description of the conflict concerned.

(c) REFERRAL.—A resolution described in subsection (b) introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. A resolution described in subsection (b) that is introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives.

(d) DISCHARGE.—If the committee to which a resolution described in subsection (b) is referred has not reported such resolution (or an identical resolution) by the end of 10 calendar days beginning on the date of introduction, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(e) CONSIDERATION.—

(1) IN GENERAL.—On or after the third calendar day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (d)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS FROM DECISIONS OF CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(f) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a resolution of that House described in subsection (b), that House receives from the other House a resolution described in subsection (b), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B)(i) The consideration as described in (e) in that House shall be the same as if no resolution had been received from the other House; but

(ii) The vote on final passage shall be on the resolution of the other House.

(2) FOLLOWING DISPOSITION.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(g) VETOES.—If the President vetoes a resolution, debate in the Senate of any veto message with respect to the resolution, including all debatable motions and appeals in connection with the resolution, shall be limited to 10 hours, which shall be divided equally between those favoring and those opposing the resolution.

(h) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 1080. TERMINATION OF FUNDING.

Notwithstanding any other provision of law, no funds appropriated or otherwise made available under any law may be obligated or expended for any activity by United States forces for which prior congressional authorization is required under this part but has not been obtained, or for which authorization is required under this part but has not been obtained by the deadline specified in section 1078(c) or for which a resolution of disapproval in accordance with section 1079(b) has been enacted into law.

SEC. 1081. INTERPRETATION OF STATUTORY AUTHORITY REQUIREMENT.

Statutory authority to introduce United States forces into hostilities or into situations where there is a serious risk of hostilities, or to retain them in a situation where hostilities or the serious risk thereof has developed, shall not be inferred—

(1) from any provision of law, including any provision contained in any appropriation Act, unless such provision expressly authorizes such introduction or retention and states that it is intended to constitute specific statutory authorization within the meaning of this part; or

(2) from any source of international legal obligation binding on the United States, including any resolution of the United Nations Security Council and any treaty ratified before, on, or after the date of the enactment of this Act, unless such treaty is implemented by legislation specifically authorizing such introduction or retention and stating that it is intended to constitute specific statutory authorization within the meaning of this part.

SEC. 1082. SEPARABILITY CLAUSE.

If any provision of this part or the application thereof to any person or circumstance is held invalid, the remainder of the resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

PART II—ARMS EXPORT CONTROL

SEC. 1085. SHORT TITLE.

This part may be cited as the ''Arms Export Reform Act of 2021''.

SEC. 1086. PURPOSE.

It is the purpose of this part to ensure the proper role of Congress in national security decisions pertaining to sales, exports, leases, and loans of defense articles, especially with respect to armed conflict and human rights.

SEC. 1087. CONGRESSIONAL AUTHORIZATION OF ARMS SALES.

(a) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of a covered letter of offer, a covered application for a license, or a covered agreement, before such a letter of offer or license is issued or before such an agreement is entered into or renewed, the President shall submit to Congress a certification described in paragraph (3).

(2) COVERED LETTERS OF OFFERS, APPLICATIONS FOR LICENSES, AND AGREEMENTS.—For purposes of this subsection:

(A) A covered letter of offer is any letter of offer to sell under the Arms Export Control Act (22 U.S.C. 2751 et seq.) any item described in subsection (c).

(B) A covered application for a license is any application by a person (other than with regard to a sale under section 21 or 22 of the Arms Export Control Act (22 U.S.C. 2761, 2762)) for a license for the export of any item described in subsection (c).

(C) A covered agreement is any agreement involving the lease under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 et seq.), or the loan under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.), of any item described in subsection (c) to any foreign country or international organization for a period of one year or longer.

(3) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a numbered certification containing the following:

(A) In the case of a letter of offer to sell, the information described in section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) and section 36(b)(2) of such Act, as redesignated by section 1090(a) of this Act, without regard to the dollar amount of such sale, except as specified in subsection (c).

(B) In the case of a license for export (other than with regard to a sale under section 21 or 22 of the Arms Export Control Act (22 U.S.C. 2761, 2762)), the information described in section 36(c) of such Act (22 U.S.C. 2776(c)), as amended by section 1090(b) of this Act, without regard to the dollar amount of such export, except as specified in subsection (c).

(C) In the case of a lease or loan agreement, the information described in section 62(a) of the Arms Export Control Act (22 U.S.C. 2796a(a)), unless section 62(b) of such Act (22 U.S.C. 2796a(b)) applies, without regard to the dollar amount of such lease or loan, except as specified in subsection (c).

(b) CONGRESSIONAL AUTHORIZATION REQUIRED.—

(1) PRIOR CONGRESSIONAL AUTHORIZATION.—No letter of offer may be issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.) with respect to a proposed sale of any item described in subsection (c) to any country or international organization (other than a country or international organization described in paragraph (2)), no license may be issued under such Act with respect to a proposed export of any such item to any such country or organization, and no lease may be made under chapter 6 of such Act (22 U.S.C. 2796 et seq.) and no loan may be made under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) of any such item to any such country or organization, unless there is enacted a joint resolution or other provision of law authorizing such sale, export, lease, or loan, as the case may be.

(2) NATO AND CERTAIN COUNTRIES.—No letter of offer or license described in paragraph (1) may be issued and no lease or loan described in such paragraph may be made with respect to a proposed sale, export, lease, or loan, as the case may be, of any item described in subsection (c) to the North Atlantic Treaty Organization (NATO), any member country of such organization, Australia, Japan, the Republic of Korea, Israel, New Zealand, or Taiwan, if, not later than 20 calendar days after receiving the appropriate certification, a joint resolution is enacted prohibiting the proposed sale, export, lease, or loan, as the case may be.

(c) ITEMS DESCRIBED.—The items described in this subsection are those items of types and classes as follows (including parts, components, and technical data):

(1) Firearms and ammunition of $1,000,000 or more.

(2) Air to ground munitions of $14,000,000 or more.

(3) Tanks, armored vehicles, and related munitions of $14,000,000 or more.

(4) Fixed and rotary, manned or unmanned armed aircraft of $14,000,000 or more.

(5) Services or training to security services of $14,000,000 or more.

SEC. 1088. PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTION AUTHORIZING OR PROHIBITING ARMS SALES.

(a) CONSIDERATION BY CONGRESS.—

(1) IN GENERAL.—Except as provided under paragraph (2), any joint resolution under section 1087(b) shall be considered by Congress using the expedited procedures set forth in section 1079(c)-(h).

(2) CONSIDERATION OF MULTIPLE CERTIFICATIONS.—

(A) MULTIPLE CERTIFICATIONS.—If a joint resolution under section 1087(b) deals with more than one certification, the references in section 601(b)(3)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 765) to a resolution with respect to the same certification shall be deemed to be a reference to a joint resolution which relates to all of those certifications.

(B) AMENDMENTS.—If the text of a joint resolution under section 1087(b) contains more than one section, amendments which would strike one of those sections shall be in order but amendments which would add an additional section shall not be in order.

(b) FORM OF JOINT RESOLUTIONS.—

(1) PRIOR CONGRESSIONAL AUTHORIZATION.—The joint resolution required by section 1087(b)(1) is a joint resolution the text of which consists only of one or more sections, each of which reads as follows: ''The proposed _____ to _____ described in the certification submitted pursuant to section 1087(a) of the Arms Export Reform Act of 2021, which was received by Congress on _____ (Transmittal number) is authorized.'', with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and transmittal number inserted.

(2) NATO AND CERTAIN COUNTRIES.—The joint resolution required by section 1087(b)(2) is a joint resolution the text of which consists of only one section, which reads as follows: ''That the proposed _____ to _____ described in the certification submitted pursuant to section 1087(a) of the Arms Export Reform Act of 2021, which was received by Congress on _____ (Transmittal number) is not authorized.'', with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and the transmittal number inserted.

SEC. 1089. EMERGENCY PROCEDURES UNDER ARMS EXPORT CONTROL ACT.

Section 36 of the Arms Export Control Act is amended by adding at the end the following:

''(j) RESTRICTION ON EMERGENCY AUTHORITY RELATING TO ARMS SALES UNDER THIS ACT.—A determination of the President that an emergency exists requiring a proposed transfer of defense articles or defense services in the national security interests of the United States, thus waiving the congressional review requirements pursuant to section 3 —

''(1) shall apply only if—

''(A) the President submits a determination and justification for each individual approval, letter of offer, or license for the defense articles or defense services that includes a specific and detailed description of how such waiver of the congressional review requirements directly responds to or addresses the circumstances of the emergency cited in the determination; and

''(B) the delivery of the defense articles or defense services will take place not later than 60 days after the date on which such determination is made, unless otherwise authorized by Congress; and

''(2) shall not apply in the case of defense articles or defense services that include manufacturing or co-production of the articles or services outside the United States.''.

SEC. 1090. CONFORMING AMENDMENTS.

(a) GOVERNMENT-TO-GOVERNMENT SALES.—

(1) IN GENERAL.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), in the first sentence, by striking ''Subject to paragraph (6)'' and inserting ''Subject to paragraph (4)''; and

(ii) in the flush text following subparagraph (P), by striking the last 2 sentences;

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;

(D) in subparagraph (C) of paragraph (3), as so redesignated, in the first sentence, by striking ''Subject to paragraph (6)'' and inserting ''Subject to paragraph (4)''; and

(E) in paragraph (4), as redesignated by subparagraph (C) of this paragraph, in the matter preceding subparagraph (A), by striking ''in paragraph (5)(C)'' and inserting ''in paragraph (3)(C)''.

(2) CONFORMING AMENDMENT.—Section 38(f)(5)(B)(ii) of such Act (22 U.S.C. 2778(f)(5)(B)(ii)) is amended by striking ''section 36(b)(5)(A)'' and inserting ''section 36(b)(3)(A)''.

(b) COMMERCIALLY LICENSED SALES.—Section 36(c) of such Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1), in the first sentence, by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(2) by striking paragraphs (2) through (5); and

(3) by redesignating paragraph (6) as paragraph (2).

(c) LEGISLATIVE REVIEW OF LEASES AND LOANS.—

(1) REPEAL.—Section 63 of such Act (22 U.S.C. 2796b) is repealed.

(2) CONFORMING AMENDMENT.—Section 62(b) of such Act (22 U.S. 2976a(b)) is amended, in the first sentence, by striking ''(and in the case'' and all that follows through ''of that section)''.

SEC. 1091. APPLICABILITY.

This part and the amendments made by this part shall apply with respect to any letter of offer or license for export issued, or any lease or loan made, after the date of the enactment of this Act.

PART III—NATIONAL EMERGENCIES ACT REFORM

SEC. 1093. REQUIREMENTS RELATING TO DECLARATION AND RENEWAL OF NATIONAL EMERGENCIES.

Section 201 of the National Emergencies Act (50 U.S.C. 1621) is amended to read as follows:

''SEC. 201. DECLARATIONS AND RENEWALS OF NATIONAL EMERGENCIES.

''(a) AUTHORITY TO DECLARE NATIONAL EMERGENCIES.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such a national emergency by proclamation. Such proclamation shall immediately be transmitted to Congress and published in the Federal Register.

''(b) SPECIFICATION OF PROVISIONS OF LAW TO BE EXERCISED.—

''(1) IN GENERAL.—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers will act in—

''(A) a proclamation declaring a national emergency under subsection (a); or

''(B) one or more Executive orders relating to the emergency published in the Federal Register and transmitted to Congress.

''(2) LIMITATIONS.—The President may—

''(A) specify under paragraph (1) only provisions of law that make available powers and authorities that relate to the nature of the national emergency; and

''(B) exercise such powers and authorities only to address the national emergency.

''(c) TEMPORARY EFFECTIVE PERIODS.—

''(1) IN GENERAL.—A declaration of a national emergency under subsection (a) may last for 30 days from the issuance of the proclamation (not counting the day on which the proclamation was issued) and shall terminate when that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

''(2) EXERCISE OF POWERS AND AUTHORITIES.—Any power or authority made available under a provision of law described in subsection (a) and specified pursuant to subsection (b) may be exercised for 30 days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority cannot be exercised once that 30-day period expires, unless there is enacted into law a joint resolution of approval under section 203 approving—

''(A) the proclamation of the national emergency or the Executive order; and

''(B) the exercise of the power or authority specified by the President in such proclamation or Executive order.

''(3) EXCEPTION IF CONGRESS IS UNABLE TO CONVENE.—If Congress is physically unable to convene as a result of an armed attack upon the United States or another national emergency, the 30-day periods described in paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

''(d) PROHIBITION ON SUBSEQUENT ACTIONS IF EMERGENCIES NOT APPROVED.—

''(1) SUBSEQUENT DECLARATIONS.—If a joint resolution of approval is not enacted under section 203 with respect to a national emergency before the expiration of the 30-day period described in subsection (c), or with respect to a national emergency proposed to be renewed under subsection (e), the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to the same circumstances.

''(2) EXERCISE OF AUTHORITIES.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President in a proclamation under subsection (a) or an Executive order under subsection (b)(1)(B) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

''(e) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under subsection (a) or previously renewed under this subsection, and not already terminated pursuant to subsection (c) or section 202(a), shall terminate on a date that is not later than one year after the President transmitted to Congress the proclamation declaring the emergency under subsection (a) or Congress approved a previous renewal pursuant to this subsection, unless—

''(1) the President publishes in the Federal Register and transmits to Congress an Executive order renewing the emergency; and

''(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

''(f) EFFECT OF FUTURE LAWS.—No law enacted after the date of the enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.''.

SEC. 1094. TERMINATION OF NATIONAL EMERGENCIES.

Section 202 of the National Emergencies Act (50 U.S.C. 1622) is amended to read as follows:

''SEC. 202. TERMINATION OF NATIONAL EMERGENCIES.

''(a) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate on the earliest of—

''(1) the date provided for in section 201(c);

''(2) the date on which Congress, by statute, terminates the emergency;

''(3) the date on which the President issues a proclamation terminating the emergency; or

''(4) the date provided for in section 201(e).

''(b) 5-YEAR LIMITATION.—Under no circumstances may a national emergency declared by the President under section 201(a) continue on or after the date that is 5 years after the date on which the national emergency was first declared.

''(c) EFFECT OF TERMINATION.—

''(1) IN GENERAL.—Effective on the date of the termination of a national emergency under subsection (a) or (b)—

''(A) except as provided by paragraph (2), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

''(B) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

''(C) any contracts entered into under any provision of law relating to the emergency shall be terminated.

''(2) SAVINGS PROVISION.—The termination of a national emergency shall not moot—

''(A) any legal action taken or pending legal proceeding not finally concluded or determined on the date of the termination under subsection (a) or (b); or

''(B) any legal action or legal proceeding based on any act committed prior to that date.''.

SEC. 1095. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

Title II of the National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

''(a) JOINT RESOLUTIONS OF APPROVAL AND OF TERMINATION.—

''(1) DEFINITIONS.—In this section:

''(A) JOINT RESOLUTION OF APPROVAL.—The term 'joint resolution of approval' means a joint resolution that contains only the following provisions after its resolving clause:

''(i) A provision approving—

''(I) a proclamation of a national emergency made under section 201(a);

''(II) an Executive order issued under section 201(b)(1)(B); or

''(III) an Executive order issued under section 201(e).

''(ii) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

''(B) JOINT RESOLUTION OF TERMINATION.—The term 'joint resolution of termination' means a joint resolution terminating—

''(i) a national emergency declared under section 201(a); or

''(ii) the exercise of any powers or authorities pursuant to that emergency.

''(2) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS OF APPROVAL.—

''(A) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), a joint resolution of approval or a joint resolution of termination may be introduced in either House of Congress by any member of that House.

''(B) REQUESTS TO CONVENE CONGRESS DURING RECESSES.—If, when the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least one-third of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the proclamation or Executive order and take appropriate action pursuant to this section.

''(C) COMMITTEE REFERRAL.—A joint resolution of approval or a joint resolution of termination shall be referred in each House of Congress to the committee or committees having jurisdiction over the emergency authorities invoked pursuant to the national emergency that is the subject of the joint resolution.

''(D) CONSIDERATION IN SENATE.—In the Senate, the following rules shall apply:

''(i) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval or a joint resolution of termination has been referred has not reported it at the end of 10 calendar days after its introduction, that committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar.

''(ii) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee to which a joint resolution of approval or a joint resolution of termination is referred has reported the resolution, or when that committee is discharged under clause (i) from further consideration of the resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution to be made, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is subject to 4 hours of debate divided equally between those favoring and those opposing the joint resolution of approval or the joint resolution of termination. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business.

''(iii) FLOOR CONSIDERATION.—A joint resolution of approval or a joint resolution of termination shall be subject to 10 hours of debate, to be divided evenly between the proponents and opponents of the resolution.

''(iv) AMENDMENTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), no amendments shall be in order with respect to a joint resolution of approval or a joint resolution of termination.

''(II) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Subclause (I) shall not apply with respect to any amendment to a joint resolution of approval to strike from or add to the list required by paragraph (1)(A)(ii) a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order.

''(v) MOTION TO RECONSIDER FINAL VOTE.—A motion to reconsider a vote on final passage of a joint resolution of approval or of a joint resolution of termination shall not be in order.

''(vi) APPEALS.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

''(E) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—In the House of Representatives, if any committee to which a joint resolution of approval or a joint resolution of termination has been referred has not reported it to the House at the end of 10 calendar days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On Thursdays it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 3 calendar days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall

not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken on or before the close of the tenth calendar day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution, such vote shall be taken on that day.

''(F) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval or a joint resolution of termination, one House receives from the other House a joint resolution of approval or a joint resolution of termination—

''(i) the joint resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day it is received; and

''(ii) the procedures set forth in subparagraph (D) or (E), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as such procedures apply to a joint resolution of the receiving House.

''(G) RULE OF CONSTRUCTION.—The enactment of a joint resolution of approval or of a joint resolution of termination under this subsection shall not be interpreted to serve as a grant or modification by Congress of statutory authority for the emergency powers of the President.

''(b) RULES OF THE HOUSE AND THE SENATE.—Subsection (a) is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of joint resolutions of approval, and supersede other rules only to the extent that it is inconsistent with such other rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

SEC. 1096. REPORTING REQUIREMENTS.

Section 401 of the National Emergencies Act (50 U.S.C. 1641) is amended by adding at the end the following:

''(d) REPORT ON EMERGENCIES.—The President shall transmit to Congress, with any proclamation declaring a national emergency under section 201(a), or Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), a report, in writing, that includes the following:

''(1) A description of the circumstances necessitating the declaration of a national emergency, the renewal of such an emergency, or the use of a new emergency authority specified in the Executive order, as the case may be.

''(2) The estimated duration of the national emergency.

''(3) A summary of the actions the President or other officers intend to take, including any reprogramming or transfer of funds, and the statutory authorities the President and such officers expect to rely on in addressing the national emergency.

''(4) In the case of a renewal of a national emergency, a summary of the actions the President or other officers have taken in the preceding one-year period, including any reprogramming or transfer of funds, to address the emergency.

''(e) PROVISION OF INFORMATION TO CONGRESS.—The President shall provide to Congress such other information as Congress may request in connection with any national emergency in effect under title II.

''(f) PERIODIC REPORTS ON STATUS OF EMERGENCIES.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 180 days for the duration of the emergency, report to Congress on the status of the emergency and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.

''(g) FINAL REPORT ON ACTIVITIES DURING NATIONAL EMERGENCY.—Not later than 90 days after the termination under section 202 of a national emergency declared under section 201(a), the President shall transmit to Congress a final report describing—

''(1) the actions that the President or other officers took to address the emergency; and

''(2) the powers and authorities the President and such officers relied on to take such actions.

''(h) PUBLIC DISCLOSURE.—Each report required by this section shall be transmitted in unclassified form and be made public at the same time the report is transmitted to Congress, although a classified annex may be provided to Congress, if necessary.''.

SEC. 1097. CONFORMING AMENDMENTS.

(a) NATIONAL EMERGENCIES ACT.—Title III of the National Emergencies Act (50 U.S.C. 1631) is repealed.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 207 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended—

(1) in subsection (b), by striking ''if the national emergency'' and all that follows through ''under this section.'' and inserting the following: ''if—

''(1) the national emergency is terminated pursuant to section 202(a)(2) of the National Emergencies Act; or

''(2) a joint resolution of approval is not enacted as required by section 203 of that Act to approve—

''(A) the national emergency; or

''(B) the exercise of such authorities.''; and

(2) in subsection (c)(1), by striking ''paragraphs (A), (B), and (C) of section 202(a)'' and inserting ''section 202(c)(2)''.

SEC. 1098. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall take effect on the date of the enactment of this Act.

(b) APPLICATION TO NATIONAL EMERGENCIES PREVIOUSLY DECLARED.—A national emergency declared under section 201 of the National Emergencies Act before the date of the enactment of this Act shall be unaffected by the amendments made by this part, except that such an emergency shall terminate on the date that is not later than one year after such date of enactment unless the emergency is renewed under subsection (e) of such section 201, as amended by section 1093 of this Act.

SA 4269. Mr. WICKER (for himself, Ms. COLLINS, Mr. KING, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 138. REPORT ON THE POTENTIAL BENEFITS OF A MULTIYEAR CONTRACT FOR FISCAL YEAR 2023 THROUGH 2027 FOR THE PROCUREMENT OF FLIGHT III ARLEIGH BURKE-CLASS DESTROYERS.

(a) IN GENERAL.—Not later than March 1, 2022, the Secretary of the Navy shall submit to the congressional defense committees a report on the potential benefits of a multiyear contract for the period of fiscal year 2023 through 2027 for the procurement of Flight III Arleigh Burke-class destroyers.

(b) ELEMENTS.—The report required by subsection (a) shall include preliminary findings, and the basis for such findings, of the Secretary with respect to whether—

(1) the use of a contract described in such subsection could result in significant savings of the total anticipated costs of carrying out the program through annual contracts;

(2) the minimum need for the destroyers described in such subsection to be purchased is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities;

(3) there is a reasonable expectation that throughout the contemplated contract period the Secretary of Defense will request funding for the contract at the level required to avoid contract cancellation;

(4) there is a stable design for the destroyers to be acquired and that the technical risks associated with such property are not excessive;

(5) the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic; and

(6) the use of such a contract will promote the national security of the United States.

(c) EVALUATION BY QUANTITY.—The report required by subsection (a) shall evaluate each of the following quantities of Flight III Arleigh Burke-class destroyers for the period described in such subsection:

(1) 10.

(2) 12.

(3) 15.

(4) Any other quantities the Secretary of the Navy considers appropriate.

SA 4270. Ms. BALDWIN (for herself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 318. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The term 'State-owned National Guard facility' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not

under the jurisdiction of the Department of Defense.''.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting ''and at State-owned National Guard facilities'' before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(D) Each State-owned National Guard facility currently being used for training the National Guard pursuant to chapter 5 of title 32.''.

SA 4271. Mr. REED (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, insert the following:

SEC. 728. ASSIGNMENT OF MEDICAL AND DENTAL PERSONNEL OF THE MILITARY DEPARTMENTS TO MILITARY MEDICAL TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretaries of the military departments shall ensure that the Surgeons General of the Armed Forces carry out fully the requirements of section 712(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1073c note) by not later than September 30, 2022.

(b) ASSIGNMENTS TO MILITARY MEDICAL TREATMENT FACILITIES.—For purposes of carrying out fully the requirements of section 712(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as required by subsection (a), assignment of uniformed medical and dental personnel to a military medical treatment facility pursuant to such section may be accomplished by the assignment of such personnel to an organizational unit of the military department concerned under a service manpower document with allocation against a manpower requirement on a Defense Health Agency manpower document of a military medical treatment facility with duty at the military medical treatment facility.

(c) ADDITIONAL REQUIREMENT FOR WALTER REED NATIONAL MILITARY MEDICAL CENTER.—

(1) ASSIGNMENT OF MILITARY PERSONNEL.—For fiscal years 2023 through 2027, except as provided in paragraph (2), the Secretary of Defense shall ensure that the Secretaries of the military departments assign to the Walter Reed National Military Medical Center sufficient military personnel to meet not less than 85 percent of the joint table of distribution in effect for such facility on December 23, 2016.

(2) EXCEPTION.—Paragraph (1) shall not apply to any fiscal year for which the Secretary of Defense certifies at the beginning of such fiscal year to the Committees on Armed Services of the Senate and the House of Representatives that notwithstanding the failure to meet the requirement under such paragraph, the Walter Reed National Military Medical Center is fully capable of carrying out all significant activities as the premier medical center of the military health system.

(d) REPORTS.—

(1) IN GENERAL.—Not later than September 30, 2022, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the military department concerned with this section.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report required by paragraph (1) shall include—

(i) an accounting of the number of uniformed personnel and civilian personnel assigned to a military medical treatment facility as of October 1, 2019; and

(ii) a comparable accounting as of September 30, 2022.

(B) EXPLANATION.—If the number specified in clause (ii) of subparagraph (A) is less than the number specified in clause (i) of such subparagraph, the Secretary concerned shall provide a full explanation for the reduction.

SA 4272. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1054. BRIEFING ON GEOGRAPHIC EXPANSION OF DEFENSE INNOVATION UNIT ACTIVITIES.

Not later than one year after enactment of this Act, the Secretary of Defense shall provide a briefing to Congress on courses of action to expand the geographic reach of Defense Innovation Unit activities to new or underserved regions, with particular emphasis on—

(1) access to partnership opportunities at institutions of higher education that conduct relevant Federally funded research;

(2) access to a relevant private commercial sector; and

(3) proximity to major Department of Defense installations and relevant activities.

SA 4273. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. SCOTT of South Carolina, Mr. KING, Ms. CORTEZ MASTO, Mr. KELLY, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DR. DAVID SATCHER CYBERSECURITY EDUCATION GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ENROLLMENT OF NEEDY STUDENTS.—The term ''enrollment of needy students'' has the meaning given the term in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d)).

(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—The Secretary shall—

(A) award grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to establish or expand cybersecurity programs, to build and upgrade institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the path to producing qualified entrants in the cybersecurity workforce or becoming a National Center of Academic Excellence in Cybersecurity; and

(B) award grants to build capacity at institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to expand cybersecurity education opportunities, cybersecurity technology and programs, cybersecurity research, and cybersecurity partnerships with public and private entities.

(2) RESERVATION.—The Secretary shall award not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions.

(3) COORDINATION.—The Secretary shall carry out this section in coordination with the National Initiative for Cybersecurity Education at the National Institute of Standards and Technology.

(4) SUNSET.—The Secretary's authority to award grants under paragraph (1) shall terminate on the date that is 5 years after the date the Secretary first awards a grant under paragraph (1).

(5) AMOUNTS TO REMAIN AVAILABLE.—Notwithstanding section 1552 of title 31, United States Code, or any other provision of law, funds available to the Secretary for obligation for a grant under this section shall remain available for expenditure for 100 days after the last day of the performance period of such grant.

(c) APPLICATIONS.—An eligible institution seeking a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a statement of how the institution will use the funds awarded through the grant to expand cybersecurity education opportunities at the eligible institution.

(d) ACTIVITIES.—An eligible institution that receives a grant under this section may use the funds awarded through such grant for increasing research, education, technical, partnership, and innovation capacity, including for—

(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(2) building and upgrading institutional capacity to provide hands-on research and

training experiences for undergraduate and graduate students; and

(3) outreach and recruitment to ensure students are aware of such new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities.

(e) REPORTING REQUIREMENTS.—Not later than—

(1) 1 year after the effective date of this section, as provided in subsection (g), and annually thereafter until the Secretary submits the report under paragraph (2), the Secretary shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including on the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the effective date of this section, as provided in subsection (g), the Secretary shall prepare and submit to Congress a report on the status of cybersecurity education programming and capacity-building at institutions receiving grants under this section, including changes in the scale and scope of these programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of students participating in cybersecurity programs that have received support under this section.

(f) PERFORMANCE METRICS.—The Secretary of Homeland Security shall establish performance metrics for grants awarded under this section.

(g) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

SA 4274. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS REGARDING DEFENSE INNOVATION UNIT PROGRAMS THAT PROMOTE ENTREPRENEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION.

(a) PILOT PROGRAM.—The Under Secretary of Defense for Research and Engineering may establish activities, including outreach and technical assistance, to better connect historically Black colleges and universities to the programs of the Defense Innovation Unit and its associated programs.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the results of any activities conducted under subsection (a), including the results of outreach efforts, the success of expanding Defense Innovation Unit programs to historically Black colleges and universities and minority serving institutions, the barriers to expansion, and recommendations for how the Department of Defense and the Federal Government can support such institutions to successfully participate in Defense Innovation Unit programs.

SA 4275. Mr. DURBIN (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.

(a) COLLECTION AND VERIFICATION OF INFORMATION.—

(1) COLLECTION.—

(A) IN GENERAL.—An online marketplace shall require any high-volume third party seller on such online marketplace's platform to provide, not later than 10 days after qualifying as a high-volume third party seller on the platform, the following information to the online marketplace:

(i) BANK ACCOUNT.—

(I) IN GENERAL.—A bank account number, or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller.

(II) PROVISION OF INFORMATION.—The bank account or payee information required under subclause (I) may be provided by the seller in the following ways:

(aa) To the online marketplace.

(bb) To a payment processor or other third party contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information on demand from such payment processor or other third party.

(ii) CONTACT INFORMATION.—Contact information for such seller as follows:

(I) With respect to a high-volume third party seller that is an individual, the individual's name.

(II) With respect to a high-volume third party seller that is not an individual, one of the following forms of contact information:

(aa) A copy of a valid government-issued identification for an individual acting on behalf of such seller that includes the individual's name.

(bb) A copy of a valid government-issued record or tax document that includes the business name and physical address of such seller.

(iii) TAX ID.—A business tax identification number, or, if such seller does not have a business tax identification number, a taxpayer identification number.

(iv) WORKING EMAIL AND PHONE NUMBER.—A current working email address and phone number for such seller.

(B) NOTIFICATION OF CHANGE; ANNUAL CERTIFICATION.—An online marketplace shall—

(i) periodically, but not less than annually, notify any high-volume third party seller on such online marketplace's platform of the requirement to keep any information collected under subparagraph (A) current; and

(ii) require any high-volume third party seller on such online marketplace's platform to, not later than 10 days after receiving the notice under clause (i), electronically certify that—

(I) the seller has provided any changes to such information to the online marketplace, if any such changes have occurred;

(II) there have been no changes to such seller's information; or

(III) such seller has provided any changes to such information to the online marketplace.

(C) SUSPENSION.—In the event that a high-volume third party seller does not provide the information or certification required under this paragraph, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide such information or certification not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until such seller provides such information or certification.

(2) VERIFICATION.—

(A) IN GENERAL.—An online marketplace shall—

(i) verify the information collected under paragraph (1)(A) not later than 10 days after such collection; and

(ii) verify any change to such information not later than 10 days after being notified of such change by a high-volume third party seller under paragraph (1)(B).

(B) PRESUMPTION OF VERIFICATION.—In the case of a high-volume third party seller that provides a copy of a valid government-issued tax document, any information contained in such document shall be presumed to be verified as of the date of issuance of such document.

(3) DATA USE LIMITATION.—Data collected solely to comply with the requirements of this section may not be used for any other purpose unless required by law.

(4) DATA SECURITY REQUIREMENT.—An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this section from unauthorized use, disclosure, access, destruction, or modification.

(b) DISCLOSURE REQUIRED.—

(1) REQUIREMENT.—

(A) IN GENERAL.—An online marketplace shall—

(i) require any high-volume third party seller with an aggregate total of $20,000 or more in annual gross revenues on such online marketplace, and that uses such online marketplace's platform, to provide the information described in subparagraph (B) to the online marketplace; and

(ii) disclose the information described in subparagraph (B) to consumers in a clear and conspicuous manner—

(I) in the order confirmation message or other document or communication made to a consumer after a purchase is finalized; and

(II) in the consumer's account transaction history.

(B) INFORMATION DESCRIBED.—The information described in this subparagraph is the following:

(i) Subject to paragraph (2), the identity of the high-volume third party seller, including—

(I) the full name of the seller, which may include the seller name or seller's company name, or the name by which the seller or company operates on the online marketplace;

(II) the physical address of the seller; and

(III) contact information for the seller, to allow for the direct, unhindered communication with high-volume third party sellers by users of the online marketplace, including—

(aa) a current working phone number;

(bb) a current working email address; or

(cc) other means of direct electronic messaging (which may be provided to such seller by the online marketplace).

(ii) Whether the high-volume third party seller used a different seller to supply the consumer product to the consumer upon purchase, and, upon the request of an authenticated purchaser, the information described in clause (i) relating to any such seller that supplied the consumer product to the purchaser, if such seller is different than the high-volume third party seller listed on the product listing prior to purchase.

(2) EXCEPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), upon the request of a high-volume third party seller, an online marketplace may provide for partial disclosure of the identity information required under paragraph (1)(B)(i) in the following situations:

(i) If such seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may—

(I) disclose only the country and, if applicable, the State in which such seller resides; and

(II) inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace.

(ii) If such seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns.

(iii) If such seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to such seller by the online marketplace.

(B) LIMITATION ON EXCEPTION.—If an online marketplace becomes aware that a high-volume third party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subparagraph (A) or that a high-volume third party seller who has requested and received a provision for a partial disclosure under subparagraph (A) has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under paragraph (1)(B)(i).

(3) REPORTING MECHANISM.—An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

(4) COMPLIANCE.—If a high-volume third party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide or disclose such information not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until the seller complies with such requirements.

(c) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) by an online marketplace shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce subsections (a) and (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) REGULATIONS.—The Commission may promulgate regulations under section 553 of title 5, United States Code, with respect to the collection, verification, or disclosure of information under this section, provided that such regulations are limited to what is necessary to collect, verify, and disclose such information.

(4) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—If the attorney general of a State has reason to believe that any online marketplace has violated or is violating this section or a regulation promulgated under this section that affects one or more residents of that State, the attorney general of the State may bring a civil action in any appropriate district court of the United States, to—

(A) enjoin further such violation by the defendant;

(B) enforce compliance with this section or such regulation;

(C) obtain civil penalties in the amount provided for under subsection (c);

(D) obtain other remedies permitted under State law; and

(E) obtain damages, restitution, or other compensation on behalf of residents of the State.

(2) NOTICE.—The attorney general of a State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of the complaint in the action, except in any case in which such prior notice is not feasible, in which case the attorney general shall serve such notice immediately upon instituting such action.

(3) INTERVENTION BY THE FTC.—Upon receiving notice under paragraph (2), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to file petitions for appeal.

(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this section or a regulation promulgated under this section, no State attorney general, or official or agency of a State, may bring a separate action under paragraph (1) during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this section or a regulation promulgated under this section that is alleged in the complaint. A State attorney general, or official or agency of a State, may join a civil action for a violation of this section or regulation promulgated under this section filed by the Commission.

(5) RULE OF CONSTRUCTION.—For purposes of bringing a civil action under paragraph (1), nothing in this section shall be construed to prevent the chief law enforcement officer, or official or agency of a State, from exercising the powers conferred on such chief law enforcement officer, official or agency of a State, by the laws of the State to conduct investigations, administer oaths or affirmations, or compel the attendance of witnesses or the production of documentary and other evidence.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so, except for any private person on behalf of the State attorney general, may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(e) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

(f) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) CONSUMER PRODUCT.—The term ''consumer product'' has the meaning given such term in section 101 of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301) and section 700.1 of title 16, Code of Federal Regulations.

(3) HIGH-VOLUME THIRD PARTY SELLER.—

(A) IN GENERAL.—The term ''high-volume third party seller'' means a participant on an online marketplace's platform who is a third party seller and who, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products and an aggregate total of $5,000 or more in gross revenues.

(B) CLARIFICATION.—For purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues under subparagraph (A), an online marketplace shall only be required to count sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor.

(4) ONLINE MARKETPLACE.—The term ''online marketplace'' means any person or entity that operates a consumer-directed electronically based or accessed platform that—

(A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;

(B) is used by one or more third party sellers for such purposes; and

(C) has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

(5) SELLER.—The term ''seller'' means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace's platform.

(6) THIRD PARTY SELLER.—

(A) IN GENERAL.—The term ''third party seller'' means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through such online marketplace's platform.

(B) EXCLUSIONS.—The term ''third party seller'' does not include, with respect to an online marketplace—

(i) a seller who operates the online marketplace's platform; or

(ii) a business entity that has—

(I) made available to the general public the entity's name, business address, and working contact information;

(II) an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) provided to the online marketplace identifying information, as described in subsection (a), that has been verified in accordance with that subsection.

(7) VERIFY.—The term ''verify'' means to confirm information provided to an online marketplace pursuant to this section, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller's behalf, not misappropriated, and not falsified.

(g) RELATIONSHIP TO STATE LAWS.—No State or political subdivision of a State, or territory of the United States, may establish or continue in effect any law, regulation, rule, requirement, or standard that conflicts with the requirements of this section.

(h) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

(i) SHORT TITLE.—this section may be cited as the ''Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers Act'' or the ''INFORM Consumers Act''.

SA 4276. Mr. BRAUN (for himself, Mr. TILLIS, Mrs. GILLIBRAND, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 596. POSTHUMOUS HONORARY PROMOTION TO GENERAL OF LIEUTENANT GENERAL FRANK MAXWELL ANDREWS, UNITED STATES ARMY.

(a) POSTHUMOUS HONORARY PROMOTION.—Notwithstanding any time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue a posthumous honorary commission promoting Lieutenant General Frank Maxwell Andrews, United States Army, to the grade of general.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The honorary promotion of Frank Maxwell Andrews under subsection (a) shall not affect the retired pay or other benefits from the United States to which Frank Maxwell Andrews would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

AUTHORITY FOR COMMITTEES TO MEET

Mr. KAINE. Mr. President, I have 9 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 9:30 a.m., to conduct a hearing on a nomination.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 9:45 a.m., to conduct a business meeting.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a classified briefing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10:30 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 3 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Ms. LUMMIS. Mr. President, I ask unanimous consent that the following interns in my office be granted floor privileges until November 4, 2021: Alyssa Burleson, Charlotte Holding, and Tanner Weekly.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF NOVEMBER 1 THROUGH NOVEMBER 5, 2021, AS NATIONAL FAMILY SERVICE LEARNING WEEK

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 439, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 439) expressing support for the designation of the week of November 1 through November 5, 2021, as ''National Family Service Learning Week''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE 100TH ANNIVERSARY OF THE DEDICATION OF THE TOMB OF THE UNKNOWN SOLDIER

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 19.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 19) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the 100th anniversary of the dedication of the Tomb of the Unknown Soldier.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 19) was agreed to.

(The concurrent resolution is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, NOVEMBER 4, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, November 4; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Santos nomination; further, that notwithstanding rule XXII, at 11 a.m. the Senate proceed to the consideration of Executive Calendar No. 352, Michael Lee Connor, of Colorado, to be an Assistant Secretary of the Army, and the Senate vote on the confirmation of the nomination; that upon disposition of the Connor nomination, the cloture motion on the Santos nomination ripen, and that if cloture is invoked, the vote on the confirmation be at 1:45 p.m.; finally, that if any of the nominations are confirmed during Thursday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Thursday, November 4, 2021, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

KENDRA DAVIS BRIGGS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JUDITH BARTNOFF, RETIRED.

GEORGETTE CASTNER, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSE L. LINARES, RETIRED.

JACQUELINE SCOTT CORLEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE WILLIAM HASKELL ALSUP, RETIRED.

RUTH BERMUDEZ MONTENEGRO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE JOHN A. HOUSTON, RETIRED.

JULIE REBECCA RUBIN, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE ELLEN LIPTON HOLLANDER, RETIRING.

CRISTINA D. SILVA, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE JAMES C. MAHAN, RETIRED.

LEONARD PHILIP STARK, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE KATHLEEN M. O'MALLEY, RETIRING.

TRINA L. THOMPSON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE PHYLLIS J. HAMILTON, RETIRED.

ANNE RACHEL TRAUM, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE ROBERT CLIVE JONES, RETIRED.

DISCHARGED NOMINATION

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination pursuant to S. Res. 27 and the nomination was placed on the Executive Calendar:

JENNIFER SUNG, OF OREGON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 3, 2021:

DEPARTMENT OF THE TREASURY

BENJAMIN HARRIS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF LABOR

RAJESH D. NAYAK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ISOBEL COLEMAN, OF NEW YORK, TO BE A DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

ENVIRONMENTAL PROTECTION AGENCY

JEFFREY M. PRIETO, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF AGRICULTURE

ADRIENNE WOJCIECHOWSKI, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

DEPARTMENT OF STATE

MICHAEL CARPENTER, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

THOMAS R. NIDES, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ISRAEL.